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OF THE

UNITED STATES,

FROM THE

DISCOVERY OF THE AMERICAN CONTINENT.

BY GEORGE BANCROFT.

VOLUME I.—PART II.

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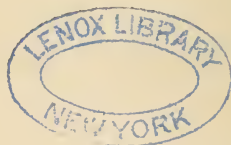
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immediately prepared for the emigration of a colony; and Endicot—a man of dauntless courage, and that cheerfulness which accompanies courage; benevolent, though austere; firm, though choleric; of a rugged nature, which the sternest form of Puritanism had not served to mellow—was selected as “a fit instrument to begin this wilderness work.”(1) His wife and family were the companions of his voyage, the hostages of his fixed attachment to the New World. His immediate attendants, and those whom the company sent over the same year, in all not far from one hundred in number,(2) were welcomed by Conant and his faithful associates to gloomy forests and unsubdued fields. Yet, even then, the spirit of enterprise predominated over the melancholy which is impressed upon nature in its savage state; and seven or more threaded a path through the woods to the neck of land which is now Charlestown. English courage had preceded them; they found there one English hovel already tenanted.(3)

When the news reached London of the safe arrival^{1629.} of the emigrants, the number of the adventurers had already been much enlarged. The “Boston men” next lent their strength to the company;(4) and the Puritans throughout England began to take an interest in the efforts which invited the imagination to indulge in delightful visions. Interest was also made to obtain a royal charter, with the aid of Bellingham and of White, an eminent lawyer, who advocated the design. The Earl of Warwick had always been the friend of the company; Gorges had seemed to favour its advancement;(5) and Lord Dorchester, then one of the secretaries of state, is said(6) to have exerted a powerful influence in its behalf. At last, after much labour and large expenditures,(7) the patent(8) for the company of the Massachusetts Bay passed the seals,—a few days only before Charles I., in a public state-paper, avowed his design of governing without a parliament.

The charter, which bears the signature of Charles I.,

(1) Johnson, b. i. c. ix. Hutchinson's Coll. 51, 52.

(2) Hubbard, 110. Higginson's N. E. Plantation, in i. Mass. Hist. Coll. i. 123. Dudley's Letter.

(3) Charlestown Records, in Prince, 250; in Edward Everett's Address, 18, 19. (4) Colony Records.

(5) Prince, 254. Gorges's Description, 25. Gorges's Narrative, c. xxvi.

(6) Document in Chalmers.

(7) Letter in Hazard, i. 237.

(8) The patent is at the State House in Boston, and is printed in Colony Laws, in Hutchinson's Coll., and in Hazard.

and which was cherished for more than half a century as the most precious boon, established a corporation, like other corporations within the realm. The associates were constituted a body politic by the name of the Governor and Company of the Massachusetts Bay in New England. The administration of its affairs was intrusted to a governor, deputy, and eighteen assistants, who were to be annually elected by the stockholders, or members of the corporation. Four times a year, or oftener if desired, a general assembly of the freemen was to be held; and to these assemblies, which were invested with the necessary powers of legislation, inquest, and superintendence, the most important affairs were referred. No provision required the assent of the king to render the acts of the body valid; in his eye it was but a trading corporation, not a civil government; its doings were esteemed as indifferent as those of any guild or company in England: and if powers of jurisdiction in America were conceded, it was only from the nature of the business in which the stockholders were to engage.

For the charter designedly granted great facilities for colonization. It allowed the company to transport to its American territory any persons, whether English or foreigners, who would go willingly, would become lieges of the English king, and were not restrained "by especial name." It empowered, but it did not require, the governor to administer the oaths of supremacy and allegiance; yet the charter, according to the strict rules of legal interpretation,⁽¹⁾ was far from conceding to the patentees the privilege of freedom of worship. Not a single line alludes to such a purpose; nor can it be implied by a reasonable construction from any clause. The omission of an express guaranty left religious liberty unprovided for and unprotected. The instrument confers on the colonists the rights of English subjects; it does not confer on them new and greater rights. On the contrary, they are strictly forbidden to make laws or ordinances repugnant to the laws and statutes of the realm of England. The express concession of power to administer the oath of supremacy, demonstrates that universal religious toleration was not designed; and the freemen of the corporation, it should be remembered, were not at that time separatists. Even Higginson, and Hooker, and Cotton, were still ministers

(1) Story's MS. Opinion.

of the Church of England; nor could the patentees foresee, nor the English government anticipate, how wide a departure from English usages would grow out of the emigration of Puritans to America.(1)

Considering the subject from the historical point of view, it must be observed, that the establishment of Episcopacy in New England, as the religion of the state, was impossible; since the character of the times was a guaranty that the immense majority of emigrants would prove its uncompromising opponents. Episcopacy had no motive to emigrate; it was Puritanism, almost alone, that came over, and freedom of Puritan worship was necessarily the purpose and the result of the colony. If the privilege could not have been established as a legal right, it followed so clearly from the facts, that, in 1662, the sovereign of England, probably with the assent and at the instance of Clarendon, declared "the principle and foundation of the charter of Massachusetts to be the freedom of liberty of conscience."(2)

The political condition of the colonists was not deemed by King Charles a subject worthy of his consideration. Full legislative and executive authority was conferred, not on the emigrants, but on the company, of which the emigrants could not be active members, so long as the charter of the corporation remained in England. The associates in London were to establish ordinances, to settle forms of government, to name all necessary officers, to prescribe their duties, and to establish a criminal code. Massachusetts was not erected into a province, to be governed by laws of its own enactment; it was reserved for the corporation to decide what degree of civil rights its colonists should enjoy. The charter on which the freemen of Massachusetts succeeded in erecting a system of independent representative liberty, did not secure to them a single privilege of self-government; but left them, as the Virginians had been left, without one valuable franchise, at the mercy of a corporation within the realm. This was so evident, that some of those who had already emigrated clamoured that they were become slaves.(3)

It was equally the right of the corporation to establish

(1) The editor of Winthrop did me the kindness to read to me unpublished letters, which are in his possession, and which prove that the Puritans in England were amazed, as well as alarmed, at the boldness of their brethren in Massachusetts.

(2) Document in Hutch. Coll. 378.

(3) Hazard, i. 257.

the terms on which new members should be admitted to its freedom. Its numbers could be enlarged or changed only by its own consent.

It was perhaps implied, though it was not expressly required, that the affairs of the company should be administered in England; yet the place for holding the courts was not specially appointed. What if the corporation should vote the emigrants to be freemen, and call a meeting beyond the Atlantic? What if the governor, deputy, assistants, and freemen, should themselves emigrate, and thus break down the distinction between the colony and the corporation? The history of Massachusetts is the counterpart of that of Virginia; the latter obtained its greatest liberty by the abrogation of the charter of its company; the former by a transfer of its charter, and a daring construction of its powers by the successors of the original patentees.

The charter had been granted in March; in April preparations were hastening for the embarkation of new emigrants. The government which was now established for Massachusetts merits commemoration, though it was never duly organized. It was to consist of a governor and counsellors, of whom eight out of the thirteen were appointed by the corporation in England; three were to be named by these eight: and, as it was said, to remove all grounds of discontent, the choice of the remaining two counsellors was granted to the colonists as a liberal boon. The board, when thus constituted, was invested with all the powers of legislation, justice, and administration. Such was the inauspicious dawn of civil and religious liberty on the Bay of Massachusetts.(1)

Benevolent instructions to Endicott were at the same time issued. "If any of the salvages"—such were the orders long and uniformly followed in all changes of government, and placed on record more than half a century before William Penn proclaimed the principles of peace on the borders of the Delaware—"pretend right of inheritance to all or any part of the lands granted in our patent, we pray you endeavour to purchase their title, that we may avoid the least scruple of intrusion." "Particularly publish, that no wrong or injury be offered to the natives."(2)

(1) Colonial Records. Hazard, i. 255—268, and 268—271. Bentley, in i. Mass. Hist. Coll. vi. 235, 236.

(2) Hazard, i. 263, 277.

The departure of the fleet for America was now anxiously desired. The colonists were to be cheered by the presence of religious teachers; and the excellent and truly catholic Francis Higginson, an eminent non-conforming minister, receiving an invitation to conduct the emigrants, esteemed it as a call from Heaven.(1) The propagation of the gospel among the heathen was earnestly desired; in pious sincerity it was resolved if possible to redeem these wrecks of human nature; the colony seal was an Indian, erect, with an arrow in his right hand, and the motto, "Come over and help us;"(2)—a device of which the appropriateness has been lost by the modern substitution of the favourite line of Algernon Sidney;—and three additional ministers attended the expedition. The company of emigrants was winnowed before sailing, and servants of ill life were discharged. "No idle drone may live amongst us,"(3) was the spirit as well as the law of the dauntless community, which was to turn the sterility of New England into a cluster of wealthy states.

As the ships were bearing Higginson and his followers out of sight of their native land, they remembered it, not as the scene of their sufferings from intolerance, but as the home of their fathers, and the dwelling-place of their friends. They did not say "Farewell, Babylon! farewell, Rome! but FAREWELL, DEAR ENGLAND!"(4)

It was in the last days of June that the little band of two hundred arrived at Salem, where the "corruptions of the English church" were never to be planted, and where a new "reformation" was to be reduced to practice. They found neither church nor town; eight or ten pitiful hovels, one more stately tenement for the governor, and a few corn-fields, were the only proofs that they had been preceded by their countrymen. The whole body of old and new planters now amounted to three hundred, of whom one-third joined the infant settlement at Charlestown.(5)

To the great European world the few tenants of the mud-hovels and log-cabins at Salem might appear too insignificant to merit notice; to themselves they were as the chosen emissaries of God; outcasts from England, yet

(1) Hutchinson's Coll. 24, 25. Hubbard, 112.

(2) Douglass, i. 409. Douglass is almost as rash as Oldmixon.

(3) Hazard, i. 283, 284, 256.

(4) Mather, b. iii. c. i. s. 12.

(5) Higginson's whole account is, of course, the highest authority. See Hutchinson's Collection, 32—50, and i. Mass. Hist. Coll. i. 117—124. Charlestown Records, in Prince, 261.

favourites with Heaven; destitute of security, of convenient food and shelter, and yet blessed beyond all mankind, for they were the depositaries of the purest truth, and the selected instruments to kindle in the wilderness the beacon of pure religion, of which the undying light should not only penetrate the wigwams of the heathen, but spread its benignant beams across the darkness of the whole civilized world. The emigrants were not so much a body politic, as a church in the wilderness, with no benefactor around them but nature, no present sovereign but God. An entire separation was made between state and church; religious worship was established on the basis of the independence of each separate religious community; all officers of the church were elected by its members; and these rigid Calvinists, of whose rude intolerance the world has been filled with malignant calumnies, subscribed a covenant, cherishing, it is true, the severest virtues, but without one tinge of fanaticism. It was an act of piety, not of study; it favoured virtue, not superstition; inquiry, and not submission. The people were enthusiasts, but not bigots.(1) The church was self-constituted.(2) It did not ask the assent of the king, or recognize him as its head; its officers were set apart and ordained among themselves;(3) it used no liturgy; it rejected unnecessary ceremonies, and reduced the simplicity of Calvin to a still plainer standard. The motives which controlled their decisions were so deeply seated in the character of their party, that the doctrine and discipline established at Salem remained the rule of Puritan New England.

There existed, even in this little band, a few to whom the new system was unexpected, and in John and Samuel Browne they found able leaders. Both were members of the colonial council; both were reputed "sincere in their affection for the good of the plantation;" they had been favourites of the corporation in England; and one of them, an experienced lawyer, had been a member of the board of assistants in London. They refused to unite with the public assembly, and, resting on the authority of English law, and their rights under the charter, they

(1) See the covenant in Neal's *N. E.*, i. 141—143, and in Bentley's *Salem*, App. No. iv.

(2) Hubbard, 116—120. Prince, 263, 264. Neal's *N. England*, i. 144.

(3) Felt's *Annals of Salem*, 573—an accurate and useful work, the fruit of much original research.

gathered a company, in which "the Common Prayer worship" was upheld. But should the emigrants—thus the colonists reasoned—give up the very purpose for which they had crossed the Atlantic? Should the hierarchy intrude on their devotions in the forests of Massachusetts? They deemed the co-existence of their liberty and of prelacy impossible: anticipating invasions of their rights, they feared the adherents of the Establishment, as spies in the camp; and the form of religion from which they had suffered was therefore repelled, not as a sect, but as a tyranny. "You are Separatists," said the Brownes, in self-defence, "and you will shortly be Anabaptists." "We separate," answered the ministers, "not from the Church of England, but from its corruptions. We came away from the Common Prayer and Ceremonies, in our native land, where we suffered much for non-conformity: in this place of liberty we cannot, we will not, use them. Their imposition would be a sinful violation of the worship of God." The governor, whose self-will was inflamed by fanaticism, and whose religious antipathies persecution had matured into hatred, the council and the people applauded; the adherents of Episcopacy were in their turn rebuked as separatists; their plea was reprovèd as sedition, their worship forbidden as a mutiny; while the Brownes, who could not be terrified into silence, were seized like criminals, and in the returning ships, were transported to England. They were banished from Salem because they were Churchmen. Thus was Episcopacy first professed in Massachusetts, and thus was it exiled. The blessings of the promised land were to be kept for Puritanic dissenters.

^{1629,} Winter brought disease and the sufferings incident
^{1630.} to early settlements. Above eighty—almost half of the emigrants—died before spring, lamenting only that they were removed from the world before beholding the perfect establishment of their religion. Higginson himself fell a victim to a hectic fever; in the hour of death, the future prosperity of New England, and the coming glories of its many churches, floated in cheering visions before his eyes.

^{1629.} The Brownes, returning to England, breathed ineffectual menaces. The ships also carried with them a description of New England by Higginson,—a tract of which three editions were published within a few months,

so intense an interest in the new colony had been diffused throughout the realm.

For the concession of the Massachusetts charter seemed to the Puritans like a summons from Heaven inviting them to America. There the gospel might be taught in its purity, and the works of nature would alone be the safe witnesses of their devotions. England, by her persecutions, proved herself weary of her inhabitants, who were esteemed more vile than the earth on which they trod. Habits of expense degraded men of moderate fortune; and even the schools, which should be the fountains of living waters, had become corrupt. The New World shared in the providence of God; it had claims, therefore, to the benevolence and exertions of man. What nobler work than to abandon the comforts of England, and plant the church in a remote land, into which the advocates of false religion should never penetrate?

But was it right, a scrupulous conscience demanded, to fly from persecutions? Yes, they answered, for persecutions might lead their posterity to abjure the truth. The certain misery of their wives and children was the most gloomy of their forebodings; and it must have been a stern sense of duty which could command the powerful emotions of nature to be silent, and set aside all considerations of physical evils as the fears of too carnal minds. The rights of the natives offered an impediment more easily removed; much land had been desolated by the plague, and the good leave of the Indians might be purchased. The ill success of other plantations could not chill the rising enthusiasm; former enterprise had aimed at profit, the present object was purity of religion; the earlier settlements had been filled with a lawless multitude, it was now proposed to form "a peculiar government," and to colonize "THE BEST." Such were the "Conclusions" (1) which were privately circulated among the Puritans of England.

On the suggestion of the generous Matthew Cradock, the governor of the company, (2) it was proposed that the charter should be transferred to those of the freemen who should themselves inhabit the colony; and the question im-

(1) Hutchinson's Collect. 27—31, Mather, b. i. c. iv. s. 5.

(2) Prince, 262. Savage on Winthrop, i. 2. I have carefully consulted the Colony Records, which are, in general, in a good state of preservation, and which are diffuse on the subject of the transfer of the charter.

mediately became the most important that could be debated. An agreement was at once formed at Cambridge, in England, between men of fortune and education, that they would themselves embark for America, if, before the last of September, the whole government should be legally transferred to them and the other freemen of the company who should inhabit the plantation.(1) The plan was sufficient to excite in the family of John Winthrop, and in many of the purest men in England, the desire to emigrate. "I shall call that my country," said the younger Winthrop to his father, "where I may most glorify God, and enjoy the presence of my dearest friends. Therefore herein I submit myself to God's will and yours, and dedicate myself to God and the company, with the whole endeavours, both of body and mind. The Conclusions which you sent down are unanswerable; and it cannot but be a prosperous action which is so well allowed by the judgments of God's prophets, undertaken by so religious and wise worthies in Israel, and indented to God's glory in so special a service."(2) Two days after the contract had been executed, the subject was again brought before the court. A serious debate ensued, and continued the next day, when it was fully and with general consent declared, that the government and the patent should be transferred beyond the Atlantic, and settled in New England.(3)

This vote was simply a decision of the question where the future meetings of the company should be held; and yet it effectually changed a commercial corporation into an independent provincial government. The measure was believed to be consistent with the principles of the charter. The corporation did not sell itself; the corporation emigrated. They could not assign the patent; but they could call a legal meeting at London or on board ship in an English harbour; and why not in the port of Salem as well as at the Isle of Wight? in a cabin or under a tree at Charlestown as well as at the house of Goffe in London? The propriety of the measure in a juridical point of view has been questioned.(4) "The charter,"

(1) Hutchinson's Coll. 25, 26.

(2) Winthrop, i. 359, 360. The publicity of the admirable letter is due to Savage.

(3) Records, i. 31; "soe far as it may be done legally." Yet, Sept. 29, 1629, a committee was raised "to take advice of Learned Counsell, whether the same may be legally done or no." Records, i. 33.

(4) Story's MS. Opinion.

said the government of Charles II. in 1679, "was originally to have been executed in the kingdom;" yet, two years before, the Chief-Justices Rainsford and North described the "charter as making the adventurers a corporation upon the place." Similar patents were granted by the Long Parliament and Charles II., to be exercised in Rhode Island and Connecticut; Baltimore and Penn long resided on their domains; and the Pilgrims brought with them a patent, which, it is true, had not passed the seals, but which was invalid for a very different reason. But, whatever may be thought of the legality of the transfer of the charter, it certainly conferred no new franchises or power on the emigrants, unless they were already members of the company; it admitted no new freemen; it gave to Massachusetts a present government; but the corporation, though it was to meet in New England, retained in its full integrity the chartered right of admitting freemen according to its pleasure. The manner in which that power was to be exercised would control the early political character of Massachusetts.

At the court convened for the purpose of appointing officers who would emigrate, John Winthrop, a man approved for piety, liberality, and conduct, was chosen governor, and the whole board of assistants selected ^{1630.} for America. Yet, as the hour of departure drew near, the consciousness of danger spread such terrors, that even the hearts of the strong began to fail. One and another of the magistrates declined. It became necessary to hold a court at Southampton for the election of three substitutes among the assistants; and of these three one never came over. Even after they had embarked, a court was held on board the *Arbella*, and Thomas Dudley was chosen deputy-governor in the place of Humphrey, who staid behind. Dudley emigrated, and had hardly reached America before he repented that he had come; the country had been described in too favourable colours. It was principally the calm decision of Winthrop which sustained the courage of his companions. In him a yielding gentleness of temper was secured against weakness by deep but tranquil enthusiasm. "Parent-like, distributing his goods to brethren and neighbours at his first coming," and for the welfare of Massachusetts, cheerfully encountering poverty and premature age; his lenient benevolence could temper, if not subdue, the bigotry of his

times. An honest royalist, averse to pure democracy, yet firm in his regard for existing popular liberties; in England a conformist, yet loving "gospel purity" even to Independency; in America mildly aristocratic, advocating a government of "the least part," yet desiring that part to be "the wiser of the best;" disinterested, brave, and conscientious—his character marks the transition of the reformation into avowed republicanism; when the sentiment of loyalty, still sacredly cherished, was gradually yielding to the irresistible spirit of civil freedom.

The whole number of ships employed during the season was seventeen; and they carried over not far from fifteen hundred souls. About eight hundred—all of them Puritans, inclined to the party of the Independents; many of them men of high endowments, large fortune, and the best education; scholars, well versed in all the learning of the times; clergymen, who ranked among the most eloquent and pious in the realm—embarked with Winthrop for their asylum, bearing with them the charter which was to be the basis of their liberties. The land was planted with a noble vine, wholly of the right seed. Religion did not expel the feelings of nature; before leaving Yarmouth they published to the world the grounds of their removal, and bade an affectionate farewell to the Church of England and to the land of their nativity. "Our hearts," say they, "shall be fountains of tears for your everlasting welfare, when we shall be in our poor cottages in the wilderness."

The emigrants were a body of sincere believers, desiring purity of religion, and not a colony of philosophers, bent upon universal toleration. Reverence for their faith led them to a new hemisphere, where distance might protect them from inquisition; to a soil of which they had purchased the exclusive possession, with a charter of which they had acquired the entire control; for the sake of reducing to practice the doctrines of religion and the forms of civil liberty, which they cherished more than life itself. They constituted a corporation to which they themselves might establish, at their pleasure, the terms of admission. They held in their own hands the key to their asylum, and maintained their right of closing its doors against the enemies of its harmony and its safety.

In June and July, the ships which bore Winthrop and his immediate companions arrived to a scene of gloom; such of the earlier emigrants as had survived the previous

winter were poor and weak from sickness; their corn and bread were hardly enough for a fortnight's supply. Instead of offering a welcome, they thronged to the new comers to be fed. Nearly two hundred servants, who had been sent over at a great expense, received their liberty, free from all engagements: their labour—such was the excessive scarcity—was worth less than the cost of their maintenance.

The selection of places for the new plantations became the immediate care. The bay and the adjoining rivers were examined; if Charlestown was the place of the first sojourning, it was not long before the fires of civilization, never more to be quenched, were kindled in Boston and the adjacent villages. Boston, especially, had "sweet and pleasant springs," "and good land, affording rich corn-fields and fruitful gardens." The dispersion of the company was esteemed a grievance; but no time was left for long deliberation, and those who had health began to build. Yet sickness delayed the progress of the work; and death often withdrew the labourer from the fruit of his exertions. Every hardship was encountered. The emigrants lodged at best in tents of cloth and in miserable hovels; they beheld their friends "weekly, yea, almost daily, drop away before their eyes;" in a country abounding in secret fountains, they perished for the want of good water. Many of them had been accustomed to plenty and ease, the refinements of cultivated life, and the conveniences of luxury. Woman was there to struggle against unforeseen hardships, unwonted sorrows; the men, who defied trials for themselves, were miserable at beholding those whom they cherished dismayed at the horrors which encompassed them. The virtues of Arbella Johnson, a daughter of the house of Lincoln, could not break through the gloomy shadows that surrounded her; and as she had been ill before her arrival, grief soon hurried her to the grave. Her husband, one of the first men in the colony, zealous for pure religion, in life "the greatest furtherer of the plantation," and by his bequests a benefactor of the infant state, was subdued by the force of disease and afflictions; but "he died willingly and in sweet peace," making a "most godly end." Winthrop lost a son, though not by disease. A hundred or more, some of them of the board of assistants, men who had enjoyed high consideration, and had been revered with confidence

as the inseparable companions of the common misery or the common success, disheartened by the scenes of woe, and dreading famine and death, deserted Massachusetts, and sailed for England. Before December, two hundred, at the least, had died. Yet, as the brightest lightnings are kindled in the darkest clouds, the general distress did but augment the piety and confirm the fortitude of the colonists. Their enthusiasm was softened by the mildest sympathy with suffering humanity; while a sincere religious faith kept guard against despondency and weakness. Not a hurried line, not a trace of repining, appears in their records; the congregations always assembled at the stated times, whether in the open fields or under the shade of an ancient tree; in the midst of want they abounded in hope; in the solitudes of the wilderness, they believed themselves in company with the Greatest, the most Benevolent of Beings. Honour is due not less to those who perished than to those who survived; to the martyrs the hour of death was an hour of triumph, such as is never witnessed in more tranquil seasons, just as there can be no gorgeous sunset but when the vapours of evening gather in heavy masses round the west, to reflect the glories of declining day. For that placid resignation, which diffuses grace round the bed of sickness, and makes death too serene for sorrow and too beautiful for fear, no one was more remarkable than the daughter of Thomas Sharp, whose youth and sex, and, as it seemed, unequalled virtues, won the warmest eulogies of the austere Dudley. Even children caught the spirit of the place, and in their last hours awoke to the awful mystery of the impending change, awaited its approach in the tranquil confidence of faith, and went to the grave full of immortality. The survivors bore all things meekly, "remembering the end of their coming hither." "We here enjoy God and Jesus Christ," wrote Winthrop to his wife, whom pregnancy had detained in England, "and is not this enough? I thank God I like so well to be here, as I do not repent my coming. I would not have altered my course though I had foreseen all these afflictions. I never had more content of mind."

Such were the scenes in the infant settlements of Massachusetts. In the two following years the colony had not even the comfort of receiving large accessions. In 1631, ninety only came over; a smaller number than had returned the preceding year. In 1632, no more than two

hundred and fifty arrived. Men dreaded the hazards of the voyage and the wilderness, and waited to learn the success of the first adventurers. Those who had deserted excused their cowardice by defaming the country. Dudley wrote plainly of the hardships to be encountered; and, moreover, the apprehension was soon raised, and never quieted, that the liberties of the colonists would be subverted by the government in England.

Purity of religion and civil liberty were the objects nearest the wishes of the emigrants. The first court of assistants took measures for the support of the ministers. As others followed, the form of the administration was considered; that the liberties of the people might be secured against the encroachments of the rulers; "for," say they, "the waves of the sea do not more certainly waste the shore, than the minds of ambitious men are led to invade the liberties of their brethren." By the charter, fundamental laws were to be enacted in the assembly of all the freemen of the colony; and a general court was accordingly convened at Boston to settle the government. More than one hundred persons, many of them old planters and members of no church, were admitted to the franchises of the corporation; the inconvenience of gathering the whole body for the purposes of legislation became but the greater and the more apparent; and the people did but reserve to themselves the right of filling such vacancies as might occur in the board of assistants. Thus the government became, for a season, an elective aristocracy; the magistrates, holding their offices for no limited period, were to choose the governor and deputy from among themselves, and were intrusted with every branch of political power.

1631. This arrangement was temporary. At the next general court, convened late in May, after "the corn was set," the freemen, scarce one hundred and fifty in number, revoking a part of the authority of which they had been too lavish, reserved to the commons the right of annually making in the board such changes as a majority should desire. Should the right not be exercised, the former magistrates remained in power. And a law of still greater moment, pregnant with evil and with good, was at the same time established. "To the end the body of the commons may be preserved of honest and good men, it was ordered and agreed, that, for the time to come, no

man shall be admitted to the freedom of this body politic, but such as are members of some of the churches within the limits of the same." Thus was the elective franchise narrowed. The polity was a sort of theocracy; God himself was to govern his people; and the select band of religious votaries—the men whose names an immutable decree had registered from eternity as the objects of divine love, whose election had been manifested to the world by their conscious experience of religion in the heart, whose union was confirmed by the most solemn compact formed with Heaven and one another, around the memorials of a crucified Redeemer—were, by the fundamental law of the colony, constituted the oracle of the divine will. An aristocracy was founded, but not of wealth. The servant, the bondman, might be a member of the church, and therefore a freeman of the company. Other states have limited the possession of political rights to the opulent, to freholders, to the first-born; the Calvinists of Massachusetts, scrupulously refusing to the clergy the least shadow of political power, established the reign of the visible church—a commonwealth of the chosen people in covenant with God.

The dangers apprehended from England seemed to require a union consecrated by the holiest rites. The public mind of the colony was in other respects ripening for democratic liberty. It could not rest satisfied with leaving the assistants in possession of all authority, and of an almost independent existence; and the magistrates, with the exception of the passionate Ludlow, were willing to yield.

^{1632.} It was therefore agreed, at the next general court, that the governor and assistants should be annually chosen. The people, satisfied with the recognition of their right, re-elected their former magistrates with silence and modesty. The germ of a representative government was already visible; each town was ordered to choose two men, to appear at the next court of assistants, and concert a plan for a public treasury. The measure had become necessary; for a levy, made by the assistants alone, had already awakened alarm and opposition.

While a happy destiny was thus preparing for Massachusetts a representative government, relations of friendship were established with the natives. From the ^{1631.} banks of the Connecticut came the sagamore of the Mohegans, to extol the fertility of his country, and solicit

an English plantation as a bulwark against the Pequods ; the nearer Nipmucks invoked the aid of the emigrants against the tyranny of the Mohawks ; the son of the aged

1632. Canonicus exchanged presents with the governor, and Miantonómoh himself, the great warrior of the Narragansetts, the youthful colleague of Canonicus, became a guest at the board of Winthrop, and was present with the congregation at a sermon from Wilson.

1634. At last a Pequod sachem, with great store of wampumpeag, and bundles of sticks in promise of so many beaver and otter skins, also came to solicit the English alliance and mediation.

Intercourse was also cherished with the earlier European settlements. To perfect friendship with the Pilgrims, the governor of Massachusetts, with Wilson, pastor 1632. of Boston, repaired to Plymouth. From the south shore of Boston harbour, it was a day's journey, for they travelled on foot. In honour of the great event, Bradford and Brewster, the governor and elder of the Old Colony, came forth to meet them, and conduct them to the town, where they were kindly entertained and feasted. " On the Lord's day, they did partake of the sacrament ; in the afternoon, a question was propounded for discussion ; the pastor spoke briefly ; the teacher prophesied ; the governor of Plymouth, the elder, and others of the congregation, took part in the debate, which, by express desire, was closed by the guests from Boston. Thus was fellowship confirmed with Plymouth. From the Chesapeake a rich freight of corn had already been received, and trade was begun with the Dutch at Hudson's River.

These better auspices, and the invitations of Winthrop, won new emigrants from Europe. During the long summer voyage of the two hundred passengers, who 1633. freighted the Griffin, three sermons a day beguiled their weariness. Among them was Haynes, a man of very large estate, and larger affections ; of a " heavenly " mind, and a spotless life ; of rare sagacity, and accurate but unassuming judgment ; by nature tolerant, ever a friend to freedom, ever conciliating peace ; an able legislator ; dear to the people by his benevolent virtues and his disinterested conduct. Then also came the most revered spiritual teachers of two commonwealths—the acute and subtle Cotton, the son of a Puritan lawyer ; eminent

at Cambridge as a scholar; quick in the nice perception of distinctions, and pliant in dialectics; in manner persuasive rather than commanding; skilled in the fathers and the schoolmen, but finding all their wisdom compactly stored in Calvin; deeply devout by nature as well as habit from childhood; hating heresy and still precipitately eager to prevent evil actions by suppressing ill opinions, yet verging towards a progress in truth and in religious freedom; an avowed enemy to democracy, which he feared as the blind despotism of animal instincts in the multitude, yet opposing hereditary power in all its forms; desiring a government of moral opinion, according to the laws of universal equity, and claiming "the ultimate resolution for the whole body of the people:"—and Hooker, of vast endowments, a strong will, and an energetic mind; ingenuous in his temper, and open in his professions; trained to benevolence by the discipline of affliction; versed in tolerance by his refuge in Holland; choleric, yet gentle in his affections; firm in his faith, yet readily yielding to the power of reason; the peer of the reformers, without their harshness; the devoted apostle to the humble and the poor, severe towards the proud, mild in his soothing of a wounded spirit, glowing with the raptures of devotion, and kindling with the messages of redeeming love; his eye, voice, gesture, and whole frame animate with the living vigour of heartfelt religion; public-spirited and lavishly charitable; and, "though persecutions and banishments had awaited him as one wave follows another," ever serenely blessed with "a glorious peace of soul;" fixed in his trust in Providence, and in his adhesion to that cause of advancing civilization, which he cherished always, even while it remained to him a mystery. This was he, whom, for his abilities and services, his contemporaries placed "in the first rank" of men; praising him as "the one rich pearl, with which Europe more than repaid America for the treasures from her coast." The people to whom Hooker ministered had preceded him; as he landed, they crowded about him with their welcome. "Now I live"—exclaimed he, as with open arms he embraced them—"now I live, if ye stand fast in the Lord."

Thus recruited, the little band in Massachusetts grew more jealous of its liberties. "The prophets in exile see the true forms of the house." By a common impulse,

the freemen of the towns chose deputies to consider in advance the duties of the general court. The charter
1634. plainly gave legislative power to the whole body of the freemen; if it allowed representatives, thought Winthrop, it was only by inference; and as the whole people could not always assemble, the chief power, it was argued, lay necessarily with the assistants.

Far different was the reasoning of the people. To check the democratic tendency, Cotton, on the election-day, preached to the assembled freemen against rotation in office. The right of an honest magistrate to his place was like that of a proprietor to his freehold. But the electors, now full three hundred and eighty in number, were bent on exercising "their absolute power," and, reversing the decision of the pulpit, chose a new governor and deputy. The mode of taking the votes was at the same time reformed; and instead of the erection of hands, the ballot-box was introduced. Thus "the people established a reformation of such things as they judged to be amiss in the government."

It was further decreed, that the whole body of the freemen should be convened only for the election of the magistrates; to these, with deputies to be chosen by the several towns, the powers of legislation and appointment were henceforward intrusted. The trading corporation was unconsciously become a representative democracy.

The law against arbitrary taxation followed. None but the immediate representatives of the people might dispose of lands or raise money. Thus early did Massachusetts echo the voice of Virginia; like the mountain replying to the thunder, or like deep calling unto deep. The state was filled with the hum of village politicians; "the freemen of every town in the bay were busy in inquiring into their liberties and privileges." With the exception of the principle of universal suffrage, now so happily established, the representative democracy was as perfect two centuries ago as it is to-day. Even the magistrates, who acted as judges, held their office by the annual popular choice. "Elections cannot be safe there long," said the lawyer Lechford. The same prediction has been made these two hundred years. The public mind, ever in perpetual agitation, is still easily shaken, even by slight and transient impulses: but after all its vibrations, it follows the laws of the moral world, and safely recovers its balance.

To limit the discretion of the executive, the people next demanded a written constitution; and a commission was appointed "to frame a body of grounds of laws 1635. in resemblance to a magna charta, to serve as a bill of rights. The ministers, as well as the general court, were to pass judgment on the work; and, with partial success, Cotton urged that God's people should be governed by the laws from God to Moses.

The relative powers of the assistants and the deputies remained for nearly ten years the subject of discussion 1634- and contest. Both were elected by the people; the 1644. former by the whole colony, the latter by the several towns. The two bodies acted together in convention; but the assistants claimed and exercised the further right of a separate negative vote on all joint proceedings. The popular branch resisted; yet the authority of the patricians was long maintained, sometimes by wise delay, sometimes by "a judicious sermon;" till, at last, a 1644. compromise divided the court into two branches, and gave to each a negative on the other.

The controversy had required the arbitrament of the elders; for the rock on which the state rested was religion; a common faith had gathered, and still bound the people together. They were exclusive, for they had come to the outside of the world for the privilege of living by themselves. Fugitives from persecution, they shrank from contradiction as from the approach of peril. And why should they open their asylum to their oppressors? Religious union was made the bulwark of the exiles against expected attacks from the hierarchy of England. The wide continent of America invited colonization; they claimed their own narrow domains for "the brethren." Their religion was their life; they welcomed none but its adherents; they could not tolerate the scoffer, the infidel, or the dissenter; and the whole people met together in their congregations. Such was the system, cherished as the stronghold of their freedom and their happiness. "The order of the churches and the commonwealth," wrote Cotton to friends in Holland, "is now so settled in New England by common consent, that it brings to mind the new heaven and new earth wherein dwells righteousness."

While the state was thus connecting by the closet bonds the energy of its faith with its form of government, there

appeared in its midst one of those clear minds, which sometimes bless the world by their power of receiving moral truth in its purest light, and of reducing the just conclusions of their principles to a happy and consistent practice. In February of the first year of the 1631. colony, but a few months after the arrival of Winthrop, and before either Cotton or Hooker had embarked for New England, there arrived at Nantasket, after a stormy passage of sixty-six days, "a young minister, godly and zealous, having precious" gifts. It was Roger Williams. He was then but a little more than thirty years of age; but his mind had already matured a doctrine which secures him an immortality of fame, as its application has given religious peace to the American world. He was a Puritan, and a fugitive from English persecution; but his wrongs had not clouded his accurate understanding; in the capacious recesses of his mind he had revolved the nature of intolerance, and he, and he alone, had arrived at the great principle which is its sole effectual remedy. He announced his discovery under the simple proposition of the sanctity of conscience. The civil magistrate should restrain crime, but never control opinion; should punish guilt, but never violate the freedom of the soul. The doctrine contained within itself an entire reformation of theological jurisprudence: it would blot from the statute-book the felony of non-conformity; would quench the fires that persecution had so long kept burning; would repeal every law compelling attendance on public worship; would abolish tithes and all forced contributions to the maintenance of religion; would give an equal protection to every form of religious faith; and never suffer the authority of the civil government to be enlisted against the mosque of the Mussulman or the altar of the fire-worshipper, against the Jewish synagogue or the Roman cathedral. It is wonderful with what distinctness Roger Williams deduced these inferences from his great principle, the consistency with which, like Pascal and Edwards, those bold and profound reasoners on other subjects, he accepted every fair inference from his doctrines, and the circumspection with which he repelled every unjust imputation. In the unwavering assertion of his views he never changed his position; the sanctity of conscience was the great tenet, which, with all its consequences, he defended, as he first

trod the shores of New England; and in his extreme old age it was the last pulsation of his heart. But it placed the young emigrant in direct opposition to the whole system on which Massachusetts was founded; and gentle and forgiving as was his temper, prompt as he was to concede everything which honesty permitted, he always asserted his belief with temperate firmness and unbending benevolence.

So soon, therefore, as Williams arrived in Boston, he found himself among the New England churches, but not of them. They had not yet renounced the use of force in religion; and he could not with his entire mind adhere to churches which retained the offensive features of English legislation. What, then, was the commotion in the colony, when it was found that the people of Salem desired to receive him as their teacher! The court of Boston "marvelled" at the precipitate decision, and the people of Salem were required to forbear. Williams withdrew to the settlement of Plymouth, and remained there about two years. But his virtues had won the affections of the church of Salem: and the apostle of intellectual ^{1633.} liberty was once more welcomed to their confidence. He remained the object of public jealousy. How mild was his conduct is evident from an example. He had written an essay on the nature of the tenure by which the colonists held their lands in America; and he had argued that an English patent could not invalidate the rights of the native inhabitants. The opinion sounded, at first, like treason against the cherished charter of the colony; Williams desired only that the offensive manuscript might be burned; and so effectually explained its purport, that the court applauded his temper, and declared "that the matters were not so evil, as at first they seemed." (1)

But the principles of Roger Williams led him into perpetual collision with the clergy and the government of Massachusetts. It had ever been their custom to respect the church of England, and in the mother country they frequented its service without scruple; yet its principles and its administration were still harshly exclusive. Wil-

(1) I derive the account of Roger Williams, in Massachusetts, exclusively from the Colony Records, Winthrop, John Cotton's diffuse quarto, and the letters and writings of Roger Williams himself. Yet I have carefully compared all that has been published about him by Hubbard, C. Mather, Prince, Callender, Hopkins, Backus, Bentley, Eliot, Dwight, Allen, Davis on Morton, Savage on Winthrop, Eddy, Felt, Upham, Knowles.

liams would hold no communion with intolerance ; for, said he, " the doctrine of persecution for cause of conscience is most evidently and lamentably contrary to the doctrine of Christ Jesus."

The magistrates insisted on the presence of every man at public worship ; Williams reprobated the law ; the worst statute(1) in the English code was that which did but enforce attendance upon the parish church. To compel men to unite with those of a different creed, he regarded as an open violation of their natural rights ; to drag to public worship the irreligious and the unwilling, seemed only like requiring hypocrisy. " An unbelieving soul is dead in sin,"—such was his argument ; and to force the indifferent from one worship to another, " was like shifting a dead man into several changes of apparell." " No one should be bound to worship, or," he added, " to maintain a worship, against his own consent." " What !" exclaimed his antagonists, amazed at his tenets, " is not the labourer worthy of his hire ?" " Yes," replied he, " from them that hire him."

The magistrates were selected exclusively from the members of the church ; with equal propriety, reasoned Williams, might " a doctor of physick or a pilot" be selected according to his skill in theology and his standing in the church.

It was objected to him, that his principles subverted all good government. The commander of the vessel of state, replied Williams, may maintain order on board the ship, and see that it pursues its course steadily, even though the dissenters of the crew are not compelled to attend the public prayers of their companions.

But the controversy finally turned on the question of the rights and duty of magistrates to guard the minds of the people against corruption, and to punish what would seem to them error and heresy. Magistrates, Williams protested, are but the agents of the people, or its trustees, on whom no spiritual power in matters of worship can ever be conferred ; since conscience belongs to the individual, and is not the property of the body politic ; and with admirable dialectics clothing the great truth in its boldest and most general forms, he asserted that " the civil magistrate may not intermeddle even to stop a church from apostacy and heresy,"—" that his power extends only to

(1). 35 Elizabeth, c. i. Statutes, iv. 841.

the bodies and goods and outward estate of men.”(1) With corresponding distinctness he foresaw the influence of his principles on society. “The removal of the yoke of soul-oppression,”—to use the words in which, at a later day, he confirmed his early view,—“as it will prove an act of mercy and righteousness to the enslaved nations, so it is of binding force to engage the whole and every interest and conscience to preserve the common liberty and peace.”(2)

The same magistrates who punished Eliot, the apostle of the Indian race, for censuring their measures, could not brook the independence of Williams; and the circumstances of the times seemed to them to justify their apprehensions. An intense jealousy was excited in England against Massachusetts; “members of the Generall Court received intelligence of some episcopal and malignant practices against the country;” and the magistrates on the one hand were scrupulously careful to avoid all unnecessary offence to the English government, on the other were sternly consolidating their own institutions, and even preparing for resistance. It was in this view that the Freeman’s Oath was appointed; by which every freeman was obliged to pledge his allegiance, not to King Charles, but to Massachusetts. There was room for scruples on the subject, and an English lawyer would have questioned the legality of the measure. The liberty of

conscience for which Williams contended, denied the ^{1635.} right of a compulsory imposition of an oath:(3) when he was summoned before the court, he could not renounce his belief; and his influence was such, “that the government was forced to desist from that proceeding.” To the magistrates he seemed the ally of a civil faction; to himself he appeared only to make a frank avowal of the truth. In all his intercourse with the tribunals, he spoke with the distinctness of settled convictions. He was fond of discussion, but he was never betrayed into angry remonstrance.

(1) I quote from a very rare tract of Roger Williams, which, after much search, I was so happy as to find in the hands of the aged Moses Brown, of Providence. It is “Mr. Cotton’s Letter, lately printed, Examined and Answered. By Roger Williams, of Providence, in New England. London. Imprinted in the yeere 1644.” Small 4to. pp. 47. It is preceded by an address of two pages to the Impartial Reader.

(2) R. Williams’s Hireling Ministry, 29.

(3) See his opinions, fully reduced to the form of a law, at Providence, in 1647, [in ii. Mass. Hist. Coll. vii. 96.

If he was charged with pride, it was only for the novelty of his opinions.

The scholar who is accustomed to the pursuits of abstract philosophy, lives in a region of thought far different from that by which he is surrounded. The range of his understanding is remote from the paths of common minds, and he is often the victim of the contrast. It is not unusual for the world to reject the voice of truth, because its tones are strange; to declare doctrines unsound, only because they are new; and even to charge obliquity or derangement on the man who brings forward principles which the selfish repudiate. Such has ever been the way of the world; and Socrates, and St. Paul, and Luther, and others of the most acute dialecticians, have been ridiculed as drivellers and madmen. The extraordinary development of one faculty may sometimes injure the balance of the mind; just as the constant exercise of one member of the body injures the beauty of its proportions; or as the exclusive devotedness to one pursuit,—politics for instance, or money,—brushes away from conduct and character the agreeable varieties of light and shade. It is a very ancient remark, that folly has its corner in the brain of every wise man; and certain it is, that not the poets only, like Tasso, but the clearest minds, Sir Isaac Newton, Pascal, Spinoza, have been deeply tinged with insanity. Perhaps Williams pursued his sublime principles with too scrupulous minuteness; it was at least natural for Bradford and his contemporaries, while they acknowledged his power as a preacher, to esteem him “unsettled in judgment.”

The court at Boston remained as yet undecided; when the church of Salem,—those who were best acquainted with Williams,—taking no notice of the recent investigations, elected him to the office of their teacher. Immediately the evils inseparable on a religious establishment began to be displayed. The ministers got together and declared any one worthy of banishment who should obstinately assert that “the civil magistrate might not intermeddle even to stop a church from apostacy and heresy;” the magistrates delayed action, only that a committee of divines might have time to repair to Salem and deal with him and with the church in a church way. Meantime, the people of Salem were blamed for their choice of a religious guide; and a tract of land, to which

they had a claim, was withheld from them as a punishment.

The breach was therefore widened. To the ministers Williams frankly, but temperately, explained his doctrines; and he was armed at all points for their defence. As his townsmen had lost their lands in consequence of their attachment to him, it would have been cowardice on his part to have abandoned them; and the instinct of liberty led him again to the suggestion of a proper remedy. In conjunction with the church, he wrote "letters of admonition unto all the churches whereof any of the magistrates were members, that they might admonish the magistrates of their injustice." The church members alone were freemen: Williams, in moderate language, appealed to the people, and invited them to instruct their representatives to do justice to the citizens of Salem.

This last act seemed flagrant treason; (1) and at the next general court, Salem was disfranchised till an ample apology for the letter should be made. The town acquiesced in its wrongs, and submitted; not an individual remained willing to justify the letter of remonstrance; the church of Williams would not avow his great principle of the sanctity of conscience; even his wife, under a delusive idea of duty, was for a season influenced to disturb the tranquillity of his home by her reproaches. (2) Williams was left alone—absolutely alone. Anticipating the censures of the colonial churches, he declared himself no longer subjected to their spiritual jurisdiction. "My own voluntary withdrawing from all these churches, resolved to continue in persecuting the witnesses of the Lord, presenting light unto them, I confess it was mine own voluntary act; yea, I hope the act of the Lord Jesus, sounding forth in me the blast, which shall in his own holy season cast down the strength and confidence of those inventions of men." (3) When summoned to appear before the general court, he avowed his convictions in the presence of the representatives of the state, "maintained the rocky strength of his grounds," and declared himself "ready to be bound and banished, and even to die in New England," rather than renounce the opinions which had dawned upon his mind in the clearness of light. At a time

(1) Cotton calls it *crimen majestatis laesae*.

(2) Master John Cotton's Reply, 9. (3) Cotton's Letter Examined, 3.

when Germany was the battle-field for all Europe in the implacable wars of religion; when even Holland was bleeding with the anger of vengeful factions; when France was still to go through the fearful struggle with bigotry; when England was gasping under the despotism of intolerance; almost half a century before William Penn became an American proprietary; and two years before Descartes founded modern philosophy on the method of free reflection,—Roger Williams asserted the great doctrine of intellectual liberty. It became his glory to found a state upon that principle, and to stamp himself upon its rising institutions, in characters so deep that the impress has remained to the present day, and can never be erased without the total destruction of the work. The principles which he first sustained amidst the bickerings of a colonial parish, next asserted in the general court of Massachusetts, and then introduced into the wilds on Narragansett Bay,

he soon found occasion to publish to the world, and ^{1644.} to defend as the basis of the religious freedom of mankind; so that, borrowing the rhetoric employed by his antagonist in derision, we may compare him to the lark, the pleasant bird of the peaceful summer, that, “affecting to soar aloft, springs upward from the ground, takes his rise from pale to tree,” and at last, surmounting the highest hills, utters his clear carols through the skies of morning.(1) He was the first person in modern Christendom to assert in its plenitude the doctrine of the liberty of conscience,—the equality of opinions before the law; and in its defence he was the harbinger of Milton,—the precursor and the superior of Jeremy Taylor. For Taylor limited his toleration to a few Christian sects; the philanthropy of Williams compassed the earth: Taylor favoured partial reform, commended lenity, argued for forbearance, and entered a special plea in behalf of each tolerable sect; Williams would permit persecution of no opinion, of no religion, leaving heresy unharmed by law, and orthodoxy unprotected by the terrors of penal statutes. Taylor still clung to the necessity of positive regulations enforcing religion and eradicating error; he resembled the poets, who, in their folly, first declare their hero to be invulnerable, and then clothe him in earthly armour! Williams was willing to leave Truth alone, in her own

(1) John Cotton's Reply, 2.

panoply of light,(1) believing that if, in the ancient feud between Truth and Error, the employment of force could be entirely abrogated, Truth would have much the best of the bargain. It is the custom of mankind to award high honours to the successful inquirer into the laws of nature, to those who advance the bounds of human knowledge. We praise the man who first analyzed the air, or resolved water into its elements, or drew the lightning from the clouds; even though the discoveries may have been as much the fruits of time as of genius. A moral principle has a much wider and nearer influence on human happiness; nor can any discovery of truth be of more direct benefit to society, than that which establishes a perpetual religious peace, and spreads tranquillity through every community and every bosom. If Copernicus is held in perpetual reverence, because, on his death-bed, he published to the world that the sun is the centre of our system; if the name of Kepler is preserved in the annals of human excellence, for his sagacity in detecting the laws of the planetary motion; if the genius of Newton has been almost adored for dissecting a ray of light, and weighing heavenly bodies as in a balance,—let there be for the name of Roger Williams at least some humble place among those who have advanced moral science, and made themselves the benefactors of mankind.

1635. But if the opinion of posterity is no longer divided, the members of the general court of that day pronounced against him the sentence of exile,(2) yet not by a very numerous majority. Some, who consented to his banishment, would never have yielded but for the persuasions of Cotton; and the judgment was vindicated, not as a punishment for opinion, or as a restraint on freedom of conscience, but because the application of the new doctrine to the construction of the patent, to the discipline of the churches, and to the “oaths for making tryall of the fidelity of the people,” seemed about “to subvert the fundamental state and government of the country.”

Winter was at hand; Williams succeeded in obtaining permission to remain till spring, intending then to begin a plantation in Narragansett Bay. But the affections of the people of Salem revived, and could not be restrained;

(1) The expression is partly from Gibbon and Sir Henry Vane.

(2) Winthrop, i. 170, 171. Colony Records, i. 163. John Cotton's Reply, 27, 29. Roger Williams's Account, *ibid.* 24, and ff.

they thronged to his house, to hear him whom they were so soon to lose for ever; it began to be rumoured, that he could not safely be allowed to found a new state in the vicinity; "many of the people were much taken with the apprehension of his godliness;" his opinions were contagious; the infection spread widely. It was therefore resolved to remove him to England, in a ship that was just ready to set sail. A warrant was accordingly
1636. sent to him to come to Boston and embark. For the first time, he declined the summons of the court. A pinnace was sent for him—the officers repaired to his house—he was no longer there. Three days before, he had left Salem, in winter snow and inclement weather, of which he remembered the severity even in his late old age. "For fourteen weeks he was sorely tost in a bitter season, not knowing what bread or bed did mean." (1) "Often in the stormy night he had neither fire, nor food, nor company; often he wandered without a guide, and had no house but a hollow tree." (2) But he was not without friends. The same scrupulous respect for the rights of others, which had led him to defend the freedom of conscience, had made him also the champion of the Indians. He had already been zealous to acquire their language, and knew it so well that he could debate with them in their own dialect. During his residence at Plymouth, he had often been the guest of the neighbouring sachems; and now, when he came in winter to the cabin of the chief of Pokanoket, he was welcomed by Massasoit; and "the barbarous heart of Canonicus, the chief of the Narragansetts, loved him as his son to the last gasp." "The ravens," he relates with gratitude, "fed me in the wilderness." And, in requital for their hospitality, he was ever through his long life their friend and benefactor; the apostle of Christianity to them without hire, without weariness, and without impatience at their idolatry; the guardian of their rights; the pacificator, when their rude passions were inflamed; and their unflinching advocate and protector, whenever Europeans attempted an invasion of their soil.

He first pitched and began to build and plant at Seekonk. But Seekonk was found to be within the patent of Plymouth; on the other side of the water, the country

(1) Roger Williams to Mason, in i. Mass. Hist. Coll. i. 276.

(2) Roger William's Key. Reprinted in R. I. Hist. Coll. i.

opened in its unappropriated beauty ; and there he might hope to establish a community as free as the other colonies. "That ever-honoured Governor Winthrop," says Williams, "privately wrote to me to steer my course to the Narragansett Bay, encouraging me from the freeness of the place from English claims or patents. I took his prudent motion as a voice from God."

It was in June that the lawgiver of Rhode Island, with five companions, embarked on the stream ; a frail Indian canoe contained the founder of an independent state and its earliest citizens. Tradition has marked the spring near which they landed ; it is the parent spot, the first inhabited nook of Rhode Island. To express his unbroken confidence in the mercies of God, Williams called the place PROVIDENCE. "I desired," said he, "it might be for a shelter for persons distressed for conscience." (1)

In his new abode, Williams could have less leisure for contemplation and study. "My time," he observes of himself,—and it is a sufficient apology for the roughness of his style, as a writer on morals,—“was not spent altogether in spiritual labours ; but, day and night, at home and abroad, on the land and water, at the hoe, at the oar, for bread.” (2) In the course of two years, he was joined by others, who fled to his asylum. The land which was now occupied by Williams, was within the territory of the Narragansett Indians ; it was not long before an ¹⁶³⁸ Indian deed from Canonicus and Miantonomoh (3) made him the undisputed possessor of an extensive domain. Nothing displays more clearly the character of Roger Williams than the use which he made of his acquisition of territory. The soil he could claim as his “own, as truly as any man’s coat upon his back ;” (4) and he “reserved to himself not one foot of land, not one tittle of political power, more than he granted to servants and strangers.” “He gave away his lands and other estate to them that he thought were most in want, until he gave away all.” (5) He chose to found a commonwealth in the unmixed forms of a pure democracy ; where the will of the majority should govern the state ; yet “only in civil things ;” God

(1) Backus, i. 94. There is in Backus much evidence of diligent research and critical respect for documentary testimony. He deserves more reputation than he has had.

(2) Bloody Tenent yet more Bloody, 38, in Knowles.

(3) Backus, i. 89, 90. Knowles, 106, 107.

(4) Backus, i. 290. Knowles, c. viii. (5) Letter of Daniel Williams.

alone was respected as the Ruler of conscience. To their more aristocratic neighbours, it seemed as if these fugitives "would have no magistrates;"(1) for every thing was as yet decided in convention of the people. This first system has had its influence on the whole political history of Rhode Island; in no state in the world, not even in the agricultural state of Vermont, has the magistracy so little power, or the representatives of the freemen so much. The annals of Rhode Island, if written in the spirit of philosophy, would exhibit the forms of society under a peculiar aspect: had the territory of the state corresponded to the importance and singularity of the principles of its early existence, the world would have been filled with wonder at the phenomena of its history.

The most touching trait in the founder of Rhode Island was his conduct towards his persecutors. Though keenly sensitive to the hardships which he had endured, he was far from harbouring feelings of revenge towards those who banished him, and only regretted their delusion. "I did ever, from my soul, honour and love them, even when their judgment led them to afflict me."(2) In all his writings on the subject, he attacked the spirit of intolerance, the doctrine of persecution, and never his persecutors or the colony of Massachusetts. Indeed, we shall presently behold him requite their severity by exposing his life at their request and for their benefit. It is not strange, then, if "many hearts were touched with relentings. That great and pious soul, Mr. Winslow, melted, and kindly visited me," says the exile, "and put a piece of gold into the hands of my wife, for our supply;"(3) the founder, the legislator, the proprietor of Rhode Island, owed a shelter to the hospitality of an Indian chief, and his wife the means of sustenance to the charity of a stranger. The half-wise Cotton Mather concedes, that many judicious persons confessed him to have had the root of the matter in him; and his nearer friends, the immediate witnesses of his actions, declared him, from "the whole course and tenor of his life and conduct, to have been one of the most disinterested men that ever lived, a most pious and heavenly-minded soul."(4)

Thus was Rhode Island the offspring of Massachu-

(1) Winthrop, i. 293. Hubbard, 338.

(2) Winthrop and Savage, i. 65.

(3) Williams to Mason.

(4) Callender, 17.

setts; but her political connections were long influenced by the circumstance of her origin. The loss of the few emigrants who resorted to the new state, was not sensibly felt in the parent colony; for the Bay of Massachusetts was already thronged with squadrons. The emigrants had from the first been watched in the mother country with intense interest; a letter from New England was venerated "as a sacred script, or as the writing of some holy prophets, and was carried many miles, where divers came to hear it."⁽¹⁾ When the first difficulties had been surmounted, the stream of emigration flowed with a full current; "Godly people in England began to apprehend a special hand of Providence in raising this plantation, and their hearts were generally stirred to come over." New settlements were, therefore, formed. A little band, toiling through thickets of ragged bushes, and ^{1635.} clambering over crossed trees, made its way along Indian paths to the green meadows of Concord. The suffering settlers burrowed for their first shelter under a hill-side. Tearing up roots and bushes from the ground, they subdued the stubborn soil with the hoe, glad to gain even a lean crop from the wearisome and imperfect culture. The cattle sickened on the wild fodder; sheep and swine were destroyed by wolves; there was no flesh but game. The long rains poured through the insufficient roofs of their smoky cottages, and troubled even the time for sleep. Yet the men laboured willingly, for they had their wives and little ones about them. The forest rung with their psalms; and "the poorest of the people of God in the whole world," they were resolved "to excel in holiness." Such was the infancy of a New England village.⁽²⁾ Would that village one day engage the attention of the world?

Meantime the fame of the liberties of Massachusetts extended widely: the good-natured earl of Warwick, a friend to advancement in civil liberty, though not a republican, offered his congratulations on its prosperity; and in a single year three thousand new settlers were added to the Puritan colony. Among these was the fiery Hugh Peters, who had been pastor of a church of English exiles in Rotterdam; a republican of an enlarged spirit, great energy, and popular eloquence, not always tempering active enterprise with solidity of judgment. At the same

(1) Old Planters' Narrative, 17.

(2) Johnson, c. xxxv. R. W. Emerson's Historical Discourse, 7, 11.

time came Henry Vane, the younger, a man of the purest mind; a statesman of spotless integrity; whose name the progress of intelligence and liberty will erase from the rubric of fanatics and traitors, and insert high among the aspirants after truth and the martyrs for liberty. He had valued the "obedience of the gospel" more than the successful career of English diplomacy, and cheerfully "forsook the preferments of the court of Charles for the ordinances of religion in their purity in New England." He was happy in the possession of an admirable genius, though naturally more inclined to contemplative excellence than to action: he was happy in the eulogist of his virtues; for Milton, ever so parsimonious of praise, reserving the majesty of his verse to celebrate the glories and vindicate the providence of God, was lavish of his encomiums on the youthful friend of religious liberty. But Vane was still more happy in attaining early in life a firmly-settled theory of morals, and in possessing an energetic will, which made all his conduct to the very last conform to the doctrines he had espoused, turning his dying hour into a seal of the witness, which his life had ever borne with noble consistency to the freedom of conscience and the people. "If he were not superior to Hampden," says Clarendon, "he was inferior to no other man;" "his whole life made good the imagination, that there was in him something extraordinary." (1)

The freemen of Massachusetts, pleased that a young man of such elevated rank and distinguished ability should have adopted their creed, and joined them in their exile, elected him their governor. The choice was unwise; 1636. for neither the age nor the experience of Vane entitled him to the distinction. He came but as a sojourner, and not as a permanent resident; neither was he imbued with the colonial prejudices, the genius of the place; and his clear mind, unbiassed by previous discussions, and fresh from the public business of England, saw distinctly what the colonists did not wish to see, the really wide difference between their practice under their charter and the meaning of that instrument on the principles of English jurisprudence. (2)

These latent causes of discontent could not but be

(1) Clarendon, b. vii. and b. iii. vol. ii. 379, and vol. i. 186, 187, 188.

(2) I find proofs of this in Hutchinson's Coll. 72, 73, 76, and 83; so, too, in Winthrop, i. 187.

eventually displayed ; at first the arrival of Vane was considered an auspicious pledge for the emigration of men of the highest rank in England. Several of the English peers, especially Lord Saye and Seal, a Presbyterian, a friend to the Puritans, yet with but dim perceptions of the true nature of civil liberty, and Lord Brooke, a man of charity and meekness, an early friend to tolerance, had begun to inquire into the character of the rising institutions, and to negotiate for such changes as would offer them inducements for removing to America. They demanded a division of the general court into two branches, that of assistants and of representatives,—a change which was acceptable to the people, and which, from domestic reasons, was ultimately adopted ; but they further required an acknowledgment of their own hereditary right to a seat in the upper house. The fathers of Massachusetts were disposed to conciliate these powerful friends : they promised them the honours of magistracy, would have readily conferred it on some of them for life, and actually began to make appointments on that tenure ; but as for the establishment of hereditary dignity, they answered by the hand of Cotton, “ Where God blesseth any branch of any noble or generous family with a spirit and gifts fit for government, it would be a taking of God’s name in vain to put such a talent under a bushel, and a sin against the honour of magistracy to neglect such in our public elections. But if God should not delight to furnish some of their posterity with gifts fit for magistracy, we should expose them rather to reproach and prejudice, and the commonwealth with them, than exalt them to honour, if we should call them forth, when God doth not, to public authority.” And thus the proposition for establishing hereditary nobility was defeated. The people, moreover, were uneasy at the permanent concession of office ; Saltonstall, “ that much-honoured and upright-hearted servant of Christ,” loudly reprov’d “ the sinful innovation,” and advocated its reform ; nor would the freemen be quieted, till it was made a law, that those who were appointed

1639. magistrates for life, should yet not be magistrates except in those years in which they might be regularly chosen at the annual election.

1636. The institutions of Massachusetts, which were thus endangered by the influence of men of rank in England, were likewise in jeopardy from the effects of re-

ligious divisions. The minds of the colonists were excited to intense activity on questions which the nicest subtlety only could have devised, and which none but those experienced in the shades of theological opinions could long comprehend. For it goes with these opinions as with colours : of which the artist who works in mosaic, easily and regularly discriminates many thousand varieties, where the common eye can discern a difference only on the closest comparison. Boston and its environs were now employed in theological controversy ; and the transports of enthusiasm sustained the toil of abstruse speculations. The most profound questions which can relate to the mysteries of human existence and the laws of the moral world, questions which the mind, in the serenity of unclouded reflection, may hardly aspire to solve, were discussed with passionate zeal ; eternity was summoned to reveal its secrets ; human tribunals pretended to establish for the Infinite Mind the laws on which the destinies of the soul depend ; the Holy Spirit was claimed as the inward companion of man ; while many persons, in their zeal to distinguish between abstract truth and the outward forms under which truth is conveyed, between unchanging principles and changing institutions, were in perpetual danger of making shipwreck of all religious faith, and hardly paused to sound their way, as they proceeded through the " dim and perilous " paths of speculative science.

Amidst the arrogance of spiritual pride, the vagaries of undisciplined imaginations, and the extravagances to which the intellectual power may be led in its pursuit of ultimate principles, the formation of two distinct parties may be perceived. The first consisted of the original settlers, the framers of the civil government, and their adherents ; they who were intent on the foundation and preservation of a commonwealth, and were satisfied with the established order of society. They had founded their government on the basis of the church, and church membership could be obtained only by the favour of the clergy and an exemplary life. They dreaded unlimited freedom of opinion as the parent of ruinous divisions. " The cracks and flaws in the new building of the reformation," thought they, " portend a fall ;" (1) they desired patriotism, union, and a common heart ; they were earnest to confirm and build up the state, the child of their cares and

(1) Shepherd's Lamentation, 2.

their sorrows. They were reproached with being "priest-ridden magistrates,"(1) "under a covenant of works."

The other party was composed of individuals who had arrived after the civil government and religious discipline of the colony had been established. They came fresh from the study of the tenets of Geneva; and their pride consisted in following the principles of the reformation with logical precision to all their consequences. Their eyes were not primarily directed to the institutions of Massachusetts, but to the doctrines of their religious system. They had come to the wilderness for freedom of religious opinion; and they resisted every form of despotism over the mind. To them the clergy of Massachusetts were "the ushers of persecution,"(2) "popish factors,"(3) who had not imbibed the true doctrines of Christian reform; and they applied to the influence of the Puritan ministers the principle which Luther and Calvin had employed against the observances and pretensions of the Roman church.(4) Every political opinion, every philosophical tenet, assumed in those days a theological form: with the doctrine of justification by faith alone, they derided the formality of the established religion; and by asserting that the Holy Spirit dwells in every believer, that the revelation of the Spirit is superior "to the ministry of the word,"(5) they sustained with intense fanaticism the paramount authority of private judgment.

The founder of this party was Anne Hutchinson, a woman of such admirable understanding "and profitable and sober carriage,"(6) that she won a powerful party in the country,(7) and her enemies could never speak of her without acknowledging her eloquence and her ability. She was encouraged by John Wheelwright, her brother, and by Henry Vane, the governor of the colony; while a majority of the people of Boston sustained her in her rebellion against the clergy. Scholars and men of learning, members of the magistracy and the general court adopted her opinions.(8) The public mind seemed hastening towards an insurrection against spiritual authority; and she was denounced as "weakening the hands and hearts

(1) The phrase is William Coddington's. See Besse, ii. 267.

(2) Coddington, in Besse, ii. 267.

(3) Welde's Rise, Reign, and Ruin.

(4) Winthrop, i. 213, 214.

(5) Ibid. i. 201, and in Hutchinson, ii. 443.

(6) Welde's Rise, Reign, &c.

(7) Dudley, in Hutchinson, ii. 427.

(8) Ibid.

of the people towards the ministers,"(1) as being "like Roger Williams, or worse."(2)

The subject possessed the highest political importance. Nearly all the clergy, except Cotton, in whose house Vane was an inmate,(3) clustered together (4) in defence of their influence, and in opposition to Vane; and Wheel-
1637. wright, who, in a fast-day's sermon, had strenuously maintained the truth of his opinions, and had never been confuted,(5) in spite of the remonstrance of the governor, was censured by the general court for sedition.(6) At the ensuing choice of magistrates the religious divisions controlled the elections. The friends of Wheelwright had threatened an appeal to England; but in the colony "it was accounted perjury and treason to speak of appeals to the king."(7) The contest appeared, therefore, to the people not as the struggle for intellectual freedom against the authority of the clergy, but as a contest for the liberties of Massachusetts against the powers of the English government. Could it be doubted who would obtain the confidence of the people? In the midst of such high excitement, that even the pious Wilson climbed into a tree to harangue the people on election-day, Winthrop and his friends, the fathers and founders of the colony, recovered the entire management of the government.(8) But the dispute infused its spirit into everything; it interfered with the levy of troops for the Pequod war;(9) it influenced the respect shown to the magistrates; the distribution of town lots; the assessment of rates; and at last the continued existence of the two opposing parties was considered inconsistent with the public peace. To prevent the increase of a faction esteemed to be so dangerous, a law, somewhat analogous to the alien law in England, and to the European policy of passports, was enacted by the party in power; none should be received within the jurisdiction, but such as should be allowed by some of the magistrates. The dangers which were simultaneously menaced from the Episcopal party in the mother country, gave to the measure an air of magnanimous defiance; it

(1) Winthrop, in Hutch., ii. 443.

(2) Winthrop, in Hutch. Coll.

(3) Suffolk Prob. Records, i. 72.

(4) Winthrop, i. 215.

(5) Henry Vane, in Hutch. Coll. 82.

(6) Comp. S. Gorton's Simplicity's Defence, 44.

(7) Burdett's Letter to Laud.

(8) Winthrop, i. 219, 220. Col. Records. Hutch. Coll. 63, and ff.

(9) Welde, 27. Mather, b. vii. c. iii. s. 5. Hutch. Coll. 80.

was almost a proclamation of independence. As an act of intolerance, it found in Vane an inflexible opponent, and, using the language of the times, he left a memorial of his dissent. "Scribes and Pharisees, and such as are confirmed in any way of error,"—these are the remarkable words of the man, who soon embarked for England, where he afterwards pleaded in parliament for the liberties of Catholics and Dissenters—"all such are not to be denied cohabitation, but are to be pitied and reformed. Ishmael shall dwell in the presence of his brethren."

The friends of Wheelwright could not brook the censure of their leader; but they justified their indignant remonstrances by the language of fanaticism. "A new rule of practice by immediate revelations,"(1) was now to be the guide of their conduct; not that they expected a revelation "in the way of a miracle;" such an idea Anne Hutchinson rejected "as a delusion;"(2) they only slighted the censures of the ministers and the court, and avowed their determination to follow the impulses of conscience. But individual conscience is often the dupe of interest, and often but a more honourable name for self-will. The government feared, or pretended to fear, a disturbance of the public peace, a wild insurrection of lawless fanatics. A synod of the ministers of New England was therefore assembled to accomplish the difficult task of settling the true faith. Numerous opinions were harmoniously condemned; and vagueness of language, so often the parent of furious controversy, performed the office of a peace-maker. Now that Vane had returned to England, it was hardly possible to find any grounds of difference between the inflexible Cotton and his equally orthodox opponents. The general peace of the colony being thus assured, the triumph of the clergy was complete, and the civil magistrates proceeded to pass sentence on the more resolute offenders. Wheelwright, Anne Hutchinson, and Aspinwall, were exiled from the territory of Massachusetts, as "unfit for the society" of its citizens; and their adherents, who, it was feared, "might, upon some revelation, make a sudden insurrection," and who were ready to seek protection by an appeal from the authority of the colonial government, were, like the tories during the war for independence, required to deliver up their arms.

(1) Welde, 45, ed. 1692, or 42, ed. 1644.

(2) Testimony of John Cotton, in Hutchinson, ii. 443.

So ended the Antimonian strife in Massachusetts.(1) The principles of Anne Hutchinson were a natural consequence of the progress of the reformation. She had imbibed them in Europe; and it is a singular fact, though easy of explanation, that in the very year in which she was arraigned at Boston, Descartes, like herself a refugee from his country, like herself a prophetic harbinger of the spirit of the coming age, established philosophic liberty on the method of free reflection. Both asserted that the conscious judgment of the mind is the highest authority to itself. Descartes did but promulgate, under the philosophic form of free reflection, the same truth which Anne Hutchinson, with the fanaticism of impassioned conviction, avowed under the form of inward revelations.

The true tendency of the principles of Anne Hutchinson is best established by examining the institutions which were founded by her followers. We shall hereafter trace the career of Henry Vane.

Wheelwright and his immediate friends removed to the banks of the Piscataqua; and, at the head of tide waters on that stream, they founded the town of Exeter; one more little republic in the wilderness, organized on the principles of natural justice by the voluntary combination of the inhabitants.(2)

The larger number of the friends of Anne Hutchinson, led by John Clarke and William Coddington, proceeded to the south, designing to make a plantation on Long Island, or near Delaware Bay. But Roger Williams^{1638.} welcomed them to his vicinity; and his own influence, and the powerful name of Henry Vane, prevailed with Miantonomoh, the chief of the Narragansetts, to obtain for them a gift of the beautiful island of Rhode Island. The spirit of the institutions established by this band of voluntary exiles, on the soil which they owed to the benevolence of the natives, was derived from natural justice: a social compact, signed after the manner of the precedent at New Plymouth, so often imitated in America, founded the government upon the basis of the

(1) On this strife I have read the Col. Records; the decisions of the synod; the copious Winthrop; the Documents in Hutchinson's Coll.; Welde's Rise, Reign, and Ruin; T. Shepherd's Lamentation; a fragment of Wheelwright's Sermon; and the statement of John Cotton himself, in his reply to Williams; also, Saml. Gorton, Hubbard, C. Mather, Neal, Hutchinson, Callender, Backus, Savage, and Knowles.

(2) Exeter Records, in Farmer's Belknap, 432.

universal consent of every inhabitant: the forms of the administration were borrowed from the examples of the Jews. Coddington was elected judge in the new Israel; and three elders were soon chosen as his assistants. The colony rested on the principle of intellectual liberty: philosophy itself could not have placed the right on a broader basis. The settlement prospered; and it
1641. became necessary to establish a constitution. It was therefore ordered by the whole body of freemen, and "unanimously agreed upon, that the government, which this body politic doth attend unto in this island, and the jurisdiction thereof, in favour of our Prince, is a DEMOCRACIE, or popular government; that is to say, it is in the power of the body of freemen orderly assembled, or major part of them, to make or constitute just lawes, by which they will be regulated, and to depute from among themselves such ministers as shall see them faithfully executed between man and man." (1) "It was further ordered, that none be accounted a delinquent for doctrine;" the law for "liberty of conscience was perpetuated." The little community was held together by the bonds of affection and freedom of opinion: benevolence was their rule: they trusted in the power of love to win the victory; and "the signet for the state" was ordered to be "a sheafe of arrows," with "the motto AMOR VINCET OMNIA." A patent from England seemed necessary for their protection; and to whom could they direct their letters but to the now powerful Henry Vane? (2)

Such were the institutions which sprung from the party of Anne Hutchinson. But she did not long enjoy their protection. Recovering from a transient dejection of mind, she had gloried in her sufferings as her greatest happiness; (3) and making her way through the forest, she travelled by land (4) to the settlement of Roger Williams, and from thence joined her friends on the island, sharing with them the hardships of early emigrants. (5) Her powerful mind still continued its activity; young men from the colonies became converts to her opinions; and

(1) I copied this, word for word, from the Records, now in Providence.

(2) MS. extracts from R. I. Rec. Compare Callender, 29, &c.; Backus, i. 91, 96, &c.; Knowles, c. xi.

(3) Winthrop, i. 258.

(4) Ibid. i. 259. Even Winthrop could err as to facts; see i. 296, and Savage's note. The records refute Winthrop's statement.

(5) Gorton, in Hutchinson, i. 73.

she excited such admiration, that to the leaders in Massachusetts it "gave cause of suspicion of witchcraft." (1)
 1642. She was in a few years left a widow, but was blessed with affectionate children. A tinge of fanaticism pervaded her family; one of her sons, and Collins, her son-in-law, had ventured to expostulate with the people of Boston
 1641. on the wrongs of their mother. But would the Puritan magistrates of that day tolerate an attack on their government? (2) Severe imprisonment for many months was the punishment inflicted on the young men for their boldness. Rhode Island itself seemed no longer a safe place of refuge; and the whole family removed beyond New Haven into the territory of the Dutch.
 1643. The violent Kieft had provoked an insurrection among the Indians; the house of Anne Hutchinson was attacked and set on fire; herself, her son-in-law, and all their family, save one child, perished by the rude weapons of the savages, or were consumed by the flames. (3)

Thus was personal suffering mingled with the peaceful and happy results of the watchfulness or the intolerance of Massachusetts. The legislation of that colony may be reproved for its jealousy, yet not for its cruelty; and Williams, and Wheelwright, and Aspinwall, suffered not much more from their banishment than some of the best men in the colony encountered from choice. For rumour had spread not wholly extravagant accounts of the fertility of the alluvial land along the borders of the Connecticut; and the banks of that river were already adorned with the villages of the Puritans, planted just in season to anticipate the rival designs of the Dutch.

The valley of the Connecticut had early become an
 1630. object of desire and of competition. The Earl of Warwick was the first proprietary of the soil, under a grant from the council for New England; and it was next held by Lord Saye and Seal, Lord Brooke, John
 1631. Hampden, and others, as his assigns. (4) Before any colony could be established with their sanction, the people of New Plymouth had built a trading-house at
 1633. Windsor, and conducted with the natives a profitable commerce in furs. "Dutch intruders" from Manhattan,

(1) Winthrop, ii. 9.

(2) Ibid. ii. 39.

(3) Samuel Gorton's Defence, 53, 59. Winthrop, ii. 136.

(4) Trumbull's Connecticut, i. App. No. i.

ascending the river, had also raised at Hartford the house "of Good Hope," and struggled to secure the territory to themselves. The younger Winthrop, the future ^{1635.} benefactor of Connecticut, one of those men in whom the elements of human excellence are mingled in the happiest union, returned from England with a commission from the proprietaries of that region to erect a fort at the mouth of the stream—a purpose which was accomplished. Yet, before his arrival in Massachusetts Bay, settlements had been commenced by emigrants from the environs of Boston, at Hartford, and Windsor, and Wethersfield; and in the last days of the pleasantest of the autumnal months, a company of sixty pilgrims, women and children being of the number, began their march to the west. Never before had the forests of America witnessed such a scene. But the journey was begun too late in the season; the winter was so unusually early and severe that provisions could not arrive by way of the river; imperfect shelter had been provided; cattle perished in great numbers; and the men suffered such privations, that many of them, in the depth of winter, abandoned their newly chosen homes, and waded through the snows to the sea-board.

^{1636.} Yet, in the opening of the next year, a government was organized, and civil order established; and the budding of the trees and the springing of the grass were signals for a greater emigration to the Connecticut. Some smaller parties had already made their way to the new Hesperia of Puritanism. In June the principal caravan began its march, led by Thomas Hooker, "the light of the Western Churches." There were of the company about one hundred souls; many of them persons accustomed to affluence and the ease of European life. They drove before them numerous herds of cattle; and thus they traversed on foot the pathless forests of Massachusetts; advancing hardly ten miles a day through the tangled woods, across the swamps and numerous streams, and over the highlands that separated the several intervening valleys; subsisting as they slowly wandered along on the milk of the kine, which browsed on the fresh leaves and early shoots; having no guide through the nearly untrodden wilderness but the compass, and no pillow for their nightly rest but heaps of stones. How did the hills echo with the unwonted lowing of the herds! How were the forests

enlivened by the loud and fervent piety of Hooker! (1) Never again was there such a pilgrimage from the sea-side "to the delightful banks" of the Connecticut. The emigrants had been gathered from among the most valued citizens, the earliest settlers, and the oldest churches of the bay. John Haynes had for one year been the governor of Massachusetts; and Hooker had no rival in public estimation but Cotton, whom he surpassed [in force of character, in boldness of spirit, and in honourable clemency. Historians, investigating the causes of events, have endeavoured to find the motives of this settlement in the jealous ambition of the minister of Hartford. Such ingenuity is gratuitous. The Connecticut was at that time supposed to be the best channel for a great internal traffic in furs; and its meadows, already proverbial for the richness of their soil, had acquired the same celebrity as in a later day the banks of the Genesee, or the bottom lands of the Miami.

The new settlement that seemed so far towards the west was environed by perils. The Dutch still indulged a hope of dispossessing the English, and the natives of the country beheld the approach of Europeans with malignant hatred. No part of New England was more thickly covered with aboriginal inhabitants than Connecticut. The Pequods, who were settled round the Thames, could muster at least seven hundred warriors; the whole number of the effective men of the emigrants was much less than two hundred. The danger was incessant; and while the settlers, with hardly a plough or a yoke of oxen, turned the wild fertility of nature into productiveness, they were at the same time exposed to the incursions of a savage enemy, whose delight was carnage.

For the Pequods had already shown a hostile spirit.
1633. Several years had elapsed since they had murdered the crew of a small trading vessel in Connecticut River. With some appearance of justice they pleaded the necessity of self-defence, and sent messengers to Boston
1634. to desire the alliance of the white men. The government of Massachusetts accepted the excuse, and immediately conferred the benefit which was due from civilization to the ignorant and passionate tribes; it reconciled the Pequods with their hereditary enemies, the Nar-
1636. ragansetts. No longer at variance with a powerful neighbour, the Pequods again displayed their bitter and

(1) Hooker was "a Son of Thunder." See Morton, 239 and 240.

emboldened hostility to the English by murdering Oldham, near Block Island. The outrage was punished by a sanguinary but ineffectual expedition. The warlike tribe was not overawed, but rather courted the alliance of its neighbours, the Narragansetts and the Mohegans, that a union and a general rising of the natives might sweep the hated intruders from the ancient hunting-grounds of the Indian race. The design could be frustrated by none but Roger Williams; and the exile, who had been the first to communicate to the governor of Massachusetts the news of the impending conspiracy, encountered the extremity of peril with magnanimous heroism. Having received letters from Vane and the council of Massachusetts, requesting his utmost and speediest endeavours to prevent the league, neither storms of wind nor high seas could detain the adventurous envoy. Shipping himself alone in a poor canoe, every moment at the hazard of his life, he hastened to the house of the sachem of the Narragansetts. The Pequod ambassadors, reeking with blood, were already there; and for three days and nights the business compelled him to lodge and mix with them; having cause every night to expect their knives at his throat. The Narragansetts were wavering; but Roger Williams succeeded in dissolving the formidable conspiracy. It was the most intrepid and most successful achievement in the whole Pequod war—an action as perilous in its execution as it was fortunate in its issue. When the Pequods¹⁶³⁷ were left to contend single-handed against the English, it was their ignorance only which could still inspire confidence in their courage.

Continued injuries and murders roused Connecticut to action, and the court of its three infant towns decreed immediate war. Uncas, sachem of the Mohegans, was their ally. To John Mason the staff of command was delivered at Hartford by the venerated Hooker; and after nearly a whole night spent, at the request of the soldiers, in importunate prayer by the very learned and godly Stone, about sixty men, one third of the whole colony, aided by John Underhill and twenty gallant recruits, whom the forethought of Vane had sent from the Bay State, sailed past the Thames, and, designing to reach the Pequod fort unobserved, entered a harbour near Wickford, in the bay of the Narragansetts. The next day was the Lord's, sacred to religion and rest. Early in the

week, the captains of the expedition, with the pomp of a military escort, repaired to the court of Canonicus, the patriarch and ruler of the tribe; and the younger and more fiery Miantonomoh, surrounded by two hundred of his bravest warriors, received them in council. "Your design," said he, "is good; but your numbers are too weak to brave the Pequods, who have mighty chieftains, and are skilful in battle;" and after doubtful friendship, he deserted the desperate enterprise.

Nor did the unhappy clans on Mistic River distrust their strength. To their hundreds of brave men their bows and arrows still seemed formidable weapons; ignorant of European fortresses, they viewed their rushwork palisades with complacency; and as the English boats sailed by the places where the rude works of the natives frowned defiance, it was rumoured through the tribe that its enemies had vanished through fear. Exultation followed; and hundreds of the Pequods spent much of the last night of their lives in revelry, at a time when the sentinels of the English were within hearing of their songs. Two hours before day, the soldiers of Connecticut put themselves in motion towards the enemy; and, as the light of morning began to dawn, they made their attack on the principal fort, which stood in a strong position at the summit of a hill.⁽¹⁾ The colonists felt that they were fighting for the security of their homes; that, if defeated, the war-whoop would immediately resound near their cottages, and their wives and children be abandoned to the scalping-knife and the tomahawk. They ascend to the attack; a watch-dog bays an alarm at their approach; the Indians awake, rally, and resist, as well as bows and arrows can resist weapons of steel. The superiority of number was with them; and fighting closely, hand to hand, though the massacre spread from wigwam to wigwam, victory was tardy. "We must burn them!" shouted Mason, and cast a firebrand to the windward among the light mats of the Indian cabins. Hardly could the English withdraw to encompass the place, before the whole encampment was in a blaze. Did the helpless natives climb the palisades, the flames assisted the marksmen to take good aim at the unprotected men; did they attempt a sally, they were cut down by the English broadswords.

(1) Compare E. R. Potter's *Early History of Narragansett*, 24. Williams, in *iii. Mass. Hist. Coll.* *iii.* 133.

The carnage was complete; about six hundred Indians, men, women, and children, perished; most of them in the hideous conflagration. In about an hour, the whole work of destruction was finished, and two only of the English had fallen in the battle. The sun, as it rose serenely in the east, was the witness of the victory.

With the light of morning, three hundred or more Pequod warriors were desecrated, as they proudly approached from their second fort. They had anticipated success; what was their horror as they beheld the smoking ruins, strown with the half-consumed flesh of so many hundreds of their race! They stamped on the ground, and tore their hair; but it was in vain to attempt revenge; then and always, to the close of the war, the feeble manner of the natives hardly deserved, says Mason, the name of fighting; their defeat was certain, and unattended with much loss to the English. The aborigines were never formidable in battle, till they became supplied with the weapons of European invention.

A portion of the troops hastened homewards to protect the settlements from any sudden attack; while Mason, with about twenty men, marched across the country from the vicinity of New London to the English fort at Saybrook. He reached the river at sunset; but Gardner, who commanded the fort, observed his approach; and never did the heart of a Roman consul, returning in triumph, swell more than the pride of Mason and his friends, when they found themselves received as victors, and "nobly entertained with many great guns."

In a few days, the troops from Massachusetts arrived, attended by Wilson, for the ministers always shared every hardship and every danger. The remnants of the Pequods were pursued into their hiding-places; every wigwam was burned, every settlement was broken up, every corn-field laid waste. Sassacus, their sachem, was murdered by the Mohawks, to whom he had fled for protection. The few that survived, about two hundred, surrendering in despair, were enslaved by the English, or incorporated among the Mohegans and the Narragansetts. There remained not a sannup nor squaw, not a warrior nor child, of the Pequod name. A nation had disappeared from the family of man.

The vigour and courage displayed by the settlers on the Connecticut, in this first Indian war in New England,

struck terror into the savages, and secured a long succession of years of peace. The infant was safe in its
1638. cradle, the labourer in the fields, the solitary traveller during the night-watches in the forest; the houses needed no bolts, the settlements no palisades. Under the benignant auspices of peace, the citizens of the western colony resolved to perfect its political institutions, and to form
1639. a body politic by a voluntary association. The constitution which was thus framed was of unexampled liberality. The elective franchise belonged to all the members of the towns who had taken the oath of allegiance to the commonwealth; the magistrates and legislature were chosen annually by ballot; and the representatives were apportioned among the towns according to population. More than two centuries have elapsed; the world has been made wiser by the most varied experience; political institutions have become the theme on which the most powerful and cultivated minds have been employed; and so many constitutions have been framed or reformed, stifled or subverted, that memory may despair of a complete catalogue;—but the people of Connecticut have found no reason to deviate essentially from the frame of government established by their fathers. No jurisdiction of the English monarch was recognized; the laws of honest justice were the basis of their commonwealth; and therefore its foundations were lasting. These humble emigrants invented an admirable system; for they were near to Nature, listened willingly to her voice, and easily copied her forms. No ancient usages, no hereditary differences of rank, no established interests, impeded the application of the principles of justice. Freedom springs spontaneously into life; the artificial distinctions of society require centuries to ripen. History has ever celebrated the heroes who have won laurels in scenes of carnage. Has it no place for the founders of states; the wise legislators, who struck the rock in the wilderness, so that the waters of liberty gushed forth in copious and perennial fountains? They who judge of men by their services to the human race, will never cease to honour the memory of Hooker and of Haynes.

1638. In equal independence, a Puritan colony sprang up at New Haven, under the guidance of John Davenport as its pastor, and of the excellent Theophilus Eaton, who was annually elected its governor for twenty years,

till his death. Its forms were austere, unmixed Calvinism ; but the spirit of humanity had sheltered itself under the rough exterior. The colonists held their first gathering under a branching oak. It was a season of gloom. Spring had not yet revived the verdure of nature ; under the leafless tree the little flock were taught by Davenport, that, like the Son of Man, they were led into the wilderness to be tempted. After a day of fasting and prayer, they rested their first frame of government on a simple plantation covenant, that "all of them would be ordered by the rules which the Scriptures held forth to them." A title to lands was obtained by a treaty with the natives, whom they protected against the Mohawks. When, after more than a year, the free planters of the colony desired a more perfect form of government, the followers of 1639. Him who was laid in a manger held their constituent assembly in a barn. There, by the influence of Davenport, it was solemnly resolved, that the Scriptures are the perfect rule of a commonwealth ; that the purity and peace of the ordinance to themselves and their posterity, were the great end of civil order ; and that church members only should be free burgesses. A committee of twelve was selected to choose seven men, qualified for the foundation work of organizing the government. Eaton, Davenport, and five others, were "the seven Pillars" for the new House of Wisdom in the wilderness. In August, 1639, the seven pillars assembled, possessing for the time absolute power. Having abrogated every previous executive trust, they admitted to the court all church members ; the character of civil magistrates was next expounded "from the sacred oracles ;" and the election followed. Then Davenport, in the words of Moses to Israel in the wilderness, gave a charge to the governor, to judge righteously ; "the cause that is too hard for you,"—such was part of the minister's text,—"*bring it unto me, and I will hear it.*" Annual elections were ordered ; and God's word established as the only rule in public affairs. Thus New Haven made the Bible its statute-book, and the elect its freemen. As neighbouring towns were planted, each was likewise a house of wisdom, resting on its seven pillars, and aspiring to be illumined by the Eternal Light. The colonists prepared for the second coming of Christ, which they confidently expected.

Meantime their pleasant villages spread along the Sound, 1640- and on the opposite shore of Long Island, and for 1649. years they nursed the hope of "speedily planting Delaware."

CHAPTER X.

THE UNITED COLONIES OF NEW ENGLAND.

THE English government was not indifferent to the progress of the colonies of New England. The fate of the first emigrants had been watched by all parties with benevolent curiosity; nor was there any inducement to oppress the few sufferers, whom the hardships of their condition were so fast wasting away. The adventurers were encouraged by a proclamation,(1) which, with a 1630. view to their safety, prohibited the sale of fire-arms to the savages.

The stern discipline exercised by the government at Salem, produced an early harvest of enemies: resentment long rankled in the minds of some, whom Endicot had perhaps too passionately punished; and when they returned to England, Mason and Gorges, the rivals of the Massachusetts company, willingly echoed their vindictive complaints. A petition even reached King Charles, complaining of distraction and disorder in the plantations; but the issue was unexpected. Massachusetts was ably defended by Saltonstall, Humphrey, and Cradock, its friends in England; and the committee of the privy council reported in favour of the adventurers, who 1633. were ordered to continue their undertakings cheerfully, for the king did not design to impose on the people of Massachusetts the ceremonies which they had emigrated to avoid. The country, it was believed, would in time be very beneficial to England.(2)

Revenge did not slumber,(3) because it had been 1634. once defeated; and the triumphant success of the Puritans in America disposed the leaders of the high-

(1) Hazard, i. 311, 312.

(2) Winthrop and Savage, i. 54-57, and 101-103. Prince, 430, 431. Hutch. Coll. 52-54. Hubbard, 150-154. Chalmers, 154, 155. Hazard, i. 234, 235.

(3) Winthrop, ii. 190, 191; or Hazard, i. 242, 243. Hubbard, 428-430.

church party to listen to the clamours of the malignant. Proof was produced of marriages celebrated by civil magistrates, and of the system of colonial church discipline—proceedings which were wholly at variance with the laws of England. “The departure of so many of THE BEST,” such “numbers of faithful and free-born Englishmen and good Christians,”—a more ill-boding sign to the nation than the portentous blaze of comets and the impressions in the air, at which astrologers are dismayed,(1)—began to be regarded by the archbishops as an affair of state; and ships bound with passengers for New England were detained in the Thames by an order of the council. Burdett also in 1637 wrote from New England to Laud, that “the colonists aimed not at new discipline, but at sovereignty; that it was accounted treason in their general court to speak of appeals to the king;”(2) and the greatest apprehensions were raised by a requisition which commanded the letters patent of the company to be produced in England.(3) To this requisition the emigrants returned no reply.

Still more menacing was the appointment of an arbitrary special commission for the colonies. The Archbishop of Canterbury and those who were associated with him, received full power over the American plantations, to establish the government and dictate the laws; to regulate the church; to inflict even the heaviest punishments; and to revoke any charter which had been surreptitiously obtained, or which conceded liberties prejudicial to the royal prerogative.(4)

The news of this commission soon reached Boston; and it was at the same time rumoured that a general governor was on his way. The intelligence awakened the most lively interest in the whole colony, and led to the boldest measures. Poor as the new settlements were, six hundred pounds were raised towards fortifications; “the assistants and the deputies discovered their minds to one another,” and the fortifications were hastened. All the ministers assembled at Boston; it marks the age, that their opinions were consulted; it marks the age still more, that they unanimously declared against the reception of a

(1) Milton pleads for the Puritans—Of Reformation, Book ii.

(2) Hutchinson, i. 85. Hubbard, 354.

(3) Winthrop, i. 135, 137. Hubbard, 153. Hazard, i. 341, 342.

(4) Hazard, i. 344—347. Hubbard, 264—268. Hutchinson, i. App. No. iv. Winthrop, i. 143. Chalmers mistakes a year.

general governor. "We ought," said the fathers in Israel, "to defend our lawful possessions, if we are able; if not, to avoid and protract." (1)

It is not strange that Laud and his associates should have esteemed the inhabitants of Massachusetts to be men of refractory humours; complaints resounded of sects and schisms; of parties consenting in nothing but hostility to the church of England; of designs to shake off the royal jurisdiction. (2) Restraints were, therefore, placed
1634. upon emigration; no one above the rank of a serving man might remove to the colony without the special leave of the commissioners; and persons of inferior order were required to take the oaths of supremacy and allegiance. (3)

Willingly as these acts were performed by religious bigotry, they were prompted by another cause. The members of the Grand Council of Plymouth, long
1635. reduced to a state of inactivity, prevented by the spirit of the English merchants from oppressing the people, and having already made grants of all the lands from the Penobscot to Long Island, determined to resign their charter, which was no longer possessed of any value. Several of the company desired as individuals to become the proprietaries of extensive territories, even at the dishonour of invalidating all their grants as a corporation. The hope of acquiring principalities subverted the sense of justice. A meeting of the Lords was duly convened, and the whole coast, from Acadia to beyond the Hudson, being divided into shares, was distributed, in part at least, by lots. Whole provinces gained an owner by the drawing of a lottery. (4)

Thus far all went smoothly; it was a more difficult matter to gain possession of the prizes; the independent and inflexible colony of Massachusetts formed too serious an obstacle. The grant for Massachusetts, it was argued, was surreptitiously obtained; the lands belonged to Robert Gorges by a prior deed; the intruders had "made themselves a free people." The general patent for New England was surrendered to the king; to obtain of him a confirmation of their respective grants, and to invoke the whole force of English power against the charter of Massa-

(1) Winthrop, i. 154.

(3) Hazard, i. 247—348.

(4) Gorges, b. ii. c. ii. Hubbard, 226—229. Hazard, i. 383.

(2) Gorges, c. xxvi.

chusetts, were, at the same time the objects of the members of the Plymouth company, distinctly avowed in their public acts.(1)

Now was the season of greatest peril to the rising liberties of New England. The king and council already feared the consequences that might come from the unbridled spirits of the Americans; his dislike was notorious;(2) and at the Trinity term in the Court of King's Bench, a *quo warranto* was brought against the company of the Massachusetts Bay. At the ensuing Michaelmas, several of its members, who resided in England, made their appearance, and judgment was pronounced against them individually; the rest of the patentees stood outlawed, but no judgment was entered up against them.(3) The unexpected death of Mason,—who, as the proprietary of New Hampshire, had been the chief mover of all the aggressions on the rights of the adjoining colony,—suspended the hostile movements,(4) which Gorges had too much honesty and too little intrigue to renew.(5)

1635— The severe censures in the Star Chamber, the 1637. greatness of the fines which avarice rivalled bigotry in imposing, the rigorous proceedings with regard to ceremonies, the suspending and silencing of multitudes of ministers, still continued; and men were “enforced by heaps to desert their native country. Nothing but the wide ocean, and the savage deserts of America, could hide and shelter them from the fury of the bishops.”(6) The pillory had become the bloody scene of human agony and mutilation, as an ordinary punishment; and the friends of Laud jested on the sufferings which were to cure the obduracy of fanatics. “The very genius of that nation of people,” said Wentworth, “leads them always to oppose, both civilly and ecclesiastically, all that ever authority ordains for them.” They were provoked to the indiscretion of a complaint, and then involved in a persecution. They were imprisoned and scourged; their noses were slit; their ears were cut off; their cheeks were marked with a red-hot brand. But the lash, and the shears, and the glowing iron, could not destroy principles which

(1) Hazard, i. 382, 390—394.

(2) Gorges, b. ii. c. i. p. 43.

(3) Hazard, i. 423—425. Hutchinson's Coll. 101—104.

(4) Winthrop, i. 187.

(5) Winthrop, ii. 12. Hazard, i. 403.

(6) Rushworth, ii. 410. Hazard, i. 420. Neal's Puritans. Nugent's Hampden. The words are from Milton, the Puritan poet; the greatest poet of our language.

were rooted in the soul, and which danger made it glorious to profess. The injured party even learned to despise the mercy of their oppressors. Four years after Prynne
 1637. had been punished for a publication, he was a second time arraigned for a like offence. "I thought," said Lord Finch, "that Prynne had lost his ears already ; but," added he, looking at the prisoner, "there is something left yet : " and an officer of the court removing the hair, displayed the mutilated organs. "I pray to God," replied Prynne, "you may have ears to hear me." A crowd gathered round the scaffold, where he, and Bastwick, and Burton, were to suffer mutilation. "Christians," said Prynne, as he presented the stumps of his ears to be grubbed out by the hangman's knife, "stand fast ; be faithful to God and your country ; or you bring on yourselves and your children perpetual slavery." The dungeon, the pillory, and the scaffold, were but stages in the progress of civil liberty towards its triumph.

Yet there was a period when the ministry of Charles hoped for success. No considerable resistance was threatened within the limits of England ; and not even America could long be safe against the designs of despotism. A proclamation was issued to prevent the emigration of Puritans ; (1) the king refused his dissenting subjects the security of the wilderness.

It was probably a foreboding of these dangers which induced the legislation of Massachusetts to exaggerate the necessity of domestic union. (2) In England, the proclamation was but little regarded. The Puritans, hemmed in by dangers on every side, and at that time having no prospect of ultimate success, desired at any rate to escape from their native country. The privy council interfered to stay a squadron of eight ships, which were in the
 1638. Thames, preparing to embark for New England. (3) It has been said that Hampden and Cromwell were on board this fleet. (4) The English ministry of that day might

(1) Hazard, i. 421.

(2) Colony Laws, edition of 1660, 73. iii. Mass. Hist. Col. iii. 398.

(3) Rushworth, ii. 409. Hazard, i. 422.

(4) Bates and Dugdale, in Neal's Puritans, ii. 349. C. Mather, b. i. c. v. s. 7. Neal's N. E. i. 168. Chalmers, 160, 161. Robertson, b. x. Hume, c. liii. Belknap, ii. 229. Graham's U. S. i. 299. Lord Nugent, in his Hampden, i. 254, should not have repeated the error. Edinburgh Review, No. 108. Russel's Cromwell, i. 51. Godwin, in his History of the Commonwealth, i. 11, 12, reproves the conduct which he unjustly imputes to Hampden. The pretended design was indeed unlike Hampden.

willingly have exiled Hampden; no original authors, except royalists writing on hearsay, allude to the design imputed to him; in America there exists no evidence of his expected arrival; the remark of Hutchinson (1) refers to the well-known schemes of Lord Saye and Seal and Lord Brooke; there are no circumstances in the lives of Hampden and Cromwell corroborating the story, but many to establish its improbability; there came over, during this summer, twenty ships, and at least three thousand persons; (2) and had Hampden designed to emigrate, he whose maxim (3) in life forbade retreat, and whose resolution was as fixed as it was calm, possessed energy enough to have accomplished his purpose. He undoubtedly had watched with deep interest the progress of Massachusetts; "the Conclusions" had early attracted his attention; (4) and in 1631 he had taken part in a purchase of territory on the Naragansett. (5) It has been conjectured, (6) asserted, (7) and even circumstantially related, (8) that he passed the winter with the colony of New Plymouth. A person who bore the same or nearly the same name (9) was undoubtedly there; but the greatest patriot-statesman of his times,—the man whom Charles I. would gladly have seen drawn and quartered,—whom Clarendon paints as possessing beyond all his contemporaries "a head to contrive, a tongue to persuade, and a hand to execute,"—and whom the fervent Baxter revered as able, by his presence and conversation, to give a new charm to the rest of the Saints in heaven,—was never in America. Nor did he ever embark for America: the fleet in which he is said to have taken his passage was delayed but a few days; on petition of the owners and passengers, King Charles removed the restraint; (10) the ships proceeded on their intended voyage; and the whole company, as it seems, without diminution, arrived safely in the Bay of Massachusetts. (11) Had Hampden and Cromwell been of the party, they too would have reached New England.

(1) Hutchinson, i. 44.

(2) Winthrop, i. 268.

(3) *Nulla vestigia retrorsum.*

(4) Nugent, i. 173, 174.

(5) Potter's *Narragansett*, 14—Comp. Trumbull.(6) Belknap's *Biog.* ii. 229.(7) *N. Amer. Review*, vi. 28.(8) Fr. Baylies, *Memoir*, i. 110, takes fire at the thought.(9) *Massachusetts Hist. Coll.* viii. 258. More probably John Hamblin, a common name in the Old Colony.(10) Rushworth, ii. 409. Aikin's *Charles I.* i. 471—473.

(11) Winthrop, i. 266, is decisive.

A few weeks before this attempt to stay emigration, the lords of the council had written to Winthrop, recalling to mind the former proceedings by a *quo warranto*, and demanding the return of the patent. In case of refusal, it was added, the king would assume into his own hands the entire management of the plantation.(1)

But "David in exile could more safely expostulate with Saul for the vast space between them." The colonists, without desponding, demanded a trial before condemnation. They urged that the recall of the patent would be a manifest breach of faith, pregnant with evils to themselves and their neighbours; that it would strengthen the plantations of the French and the Dutch; that it would discourage all future attempts at colonial enterprise; and, finally, "if the patent be taken from us,"—such was their cautious but energetic remonstrance,—“the common people will conceive that his Majesty hath cast them off, and that hereby they are freed from their allegiance and subjection, and therefore will be ready to confederate themselves under a new government, for their necessary safety and subsistence, which will be of dangerous example unto other plantations, and perilous to ourselves, of incurring his Majesty's displeasure.”(2) They therefore beg of the royal clemency the favour of neglect.

But before their supplication could find its way to the throne, the monarch was himself already involved in disasters. Anticipating success in his tyranny in England, he had resolved to practise no forbearance; with headlong indiscretion, he insisted on introducing a liturgy into Scotland, and compelling the uncompromising disciples of Knox to listen to prayers translated from the Roman missal. The first attempt at reading the new service
1637. in the cathedral of Edinburgh, was the signal for that series of momentous events which promised to restore liberty to England, and give peace to the colonies. The movement began, as great revolutions almost always do, from the ranks of the people. "What, ye villain!" shouted the old women at the dean, as he read the liturgy, "will ye say mass in my lug?"—"A pape, a pape!" resounded the multitude, incensed against the bishop; "stane him, stane him!" The churchmen narrowly escaped martyrdom. The tumult spreads; the nobles of

(1) Hubbard, 268, 269. Hazard, i. 432, 433. Hutchinson's Coll. 105, 106.

(2) Hubbard, 269—271. Hutch. i. App. No. v. Hazard, i. 434, 436.

Scotland take advantage of the excitement of the people to advance their ambition. The national covenant is^{1638.} published, and is signed by the Scottish nation, almost without distinction of rank or sex; the defences of despotism are broken down: the flood washes away every vestige of ecclesiastical oppression. Scotland rises in arms for a holy war, and enlists religious enthusiasm under its banner in its contest against a despot, who has neither a regular treasury, nor an army, nor the confidence of his people. The wisest of his subjects esteem the insurgents^{1639.} as their friends and allies. There is now no time to oppress New England; the throne itself totters;—there is no need to forbid emigration; England is at once become the theatre of wonderful events; and many fiery spirits, who had fled for a refuge to the colonies, rush back¹⁶⁴⁰⁻ to share in the open struggle for liberty. In the^{1642.} following years, few passengers came over; the reformation of church and state, the attainder of Strafford, the impeachment of Laud, the great enemy of Massachusetts, caused all men to stay in England, in expectation of a new world.(1)

Yet a nation was already planted in New England; a commonwealth was matured; the contests in which the unfortunate Charles became engaged, and the republican revolution that followed, left the colonists, for the space of twenty years, nearly unmolested in the enjoyment of the benefits of virtual independence. The change which their industry had wrought in the wilderness, was the admiration of their times,—the wonder of the world.(2) Plenty prevailed throughout the settlements. The wigwams and hovels in which the English had at first found shelter, were replaced by well-built houses. The number of emigrants who had arrived in New England before the assembling of the Long Parliament, are esteemed to have been twenty-one thousand two hundred.(3) One(4) hundred and ninety-eight ships had borne them across the

(1) Winthrop, ii. 7, 31, 74.

(2) Lechford, 47. Johnson, b. ii. c. xxi.

(3) Johnson, b. i. c. xiv. Josselyn's N. E. 258. Dummer's Defence of N. E. Charters. Hutchinson, i. 91. Davis, in ii. Mass. Hist. Coll. i. xxiii. Neal's N. E. i. 213, and Douglass's Summary, i. 381, are in error. Mather, b. i. c. viii. s. 7.

(4) I have no doubt, 198, and not 298. Compare Savage and Winthrop, ii. 331, and ii. 91, where there is another example of a mistake in printing from the Arabic numerals of Johnson. The accounts preserved of the arrivals in America will not admit the larger statement.

Atlantic ; and the whole cost of the plantations had been almost a million of dollars,—a great expenditure and a great emigration for that age ; yet in 1832 more than fifty thousand persons arrived at the single port of Quebec in one summer, bringing with them a capital exceeding three millions of dollars. In a little more than ten years, fifty towns and villages had been planted ; between thirty and forty churches built ; and strangers, as they gazed, could not but acknowledge God's blessing on the endeavours of the planters.(1) Affluence was already beginning to follow in the train of industry. The natural exports of the country were furs and lumber ; grain was carried to the West Indies ; fish also was a staple. The business of ship-building, in which so great excellence has been attained, was early introduced. Vessels of four hundred tons were constructed before 1643. So long as the ports were filled with new comers, the domestic consumption had required nearly all the produce of the colony. But now, says Winthrop(2) (and, in the history of American industry, the fact is worth preserving), "our supplies from England failing much, men began to look about them, and fell to a manufacture of cotton, whereof we had store from Barbadoes." In view of the exigency, "the general court" had already "made order for the manufacture of woollen and linen cloth."(3)

The Long Parliament contained among its members many sincere favourers of the Puritan plantations. Yet the English in America, with wise circumspection, did not for a moment forget the dangers of a foreign jurisdiction. "Upon the great liberty which the king had left the parliament in England, some of our friends there wrote to us advice to solicit for us in the parliament, giving us hope that we might obtain much. But consulting about it, we declined the motion for this consideration, that if we should put ourselves under the protection of the parliament, we must then be subject to all such laws as they should make, or, at least, such as they might impose upon us. It might prove very prejudicial to us."(4) The love of political independence declined even benefits.

When letters arrived, inviting the colonial churches to send their deputies to the Westminster assembly of divines,

(1) New England's First Fruits, in i. Mass. Hist. Coll. i. 247.

(2) Winthrop, ii. 119.

(3) Hubbard, c. xxii.

(4) Winthrop, ii. 25. i. Hist. Coll. vi. 156.

the same sagacity led them to neglect the invitation. Especially Hooker, of Hartford, whom historians
 1642. have so often taunted with jealous ambition, and who was remarkable for avoiding notoriety, "liked not the business," and deemed it his duty rather to stay in quiet and obscurity with his people in Connecticut, than to turn propagandist, and plead for Independency in England.(1)

Yet such commercial advantages as might be obtained without a surrender of their chartered rights, were objects of desire. Hugh Peters and two others had been despatched as agents for the colonies, and their mission was favourably
 1643. received. The House of Commons publicly acknowledged, that "the plantations in New England had, by the blessing of the Almighty, had good and prosperous success, without any public charge to the parent state;" and their imports and exports were freed from all taxation, "until the House of Commons should take order to the contrary."(2) The general court of Massachusetts received the ordinance hardly as a boon from a sovereign, but rather as a courtesy and a benefit from a friendly state; and while they entered it on their records as a memorial for posterity, they sought to requite the kindness by reciprocity of legislation.

Still more important for New England were the
 1641. benefits of a secure domestic legislation. Among the first fruits may be esteemed the general declaration of the principles of liberty—the promulgation of a bill of rights.(3) Universal suffrage was not established; but every man, whether inhabitant or foreigner, freeman or not freeman, received the right of introducing any business into any public meeting, and of taking part in its deliberations.(4) The colony, moreover, offered a free welcome and aid, at the public cost, to Christians of every nation, who might fly beyond the Atlantic "to escape from wars or famine, or the tyranny and oppression of their persecutors."(5) The nation, by a special statute, made the fugitive and the persecuted the guests of the commonwealth. Its hospitality was as wide as misfortune.

The same liberality dictated the terms on which the

(1) Winthrop, ii. 76.

(2) Hazard, i. 114. Winthrop, ii. 98. Hutchinson, i. 110. Chalmers, 174.

(3) Laws of 1641, ed. of 1660, p. 1, 26, 27, 28, and 50. Winthrop, ii. 55.

(4) Laws, ed. 1660, p. 50.

(5) Laws, ed. 1660, p. 73.

jurisdiction of Massachusetts was extended over New Hampshire; and the strict interpretation of the charter offered an excuse for claiming the territory. Maryland suffered for almost twenty years the evils of a disputed jurisdiction, before its citizens asserted their claims to self-government: the people of New Hampshire, dreading the perils of anarchy, provided a remedy, by the immediate exercise of their natural rights, and, by their own voluntary act, they were annexed to their powerful neighbour—not as a province, but on equal terms, as an integral portion of the state. The change was effected with great deliberation. The banks of the Piscataqua had not been peopled by Puritans; and the system of Massachusetts could not properly be applied to the new acquisitions. The general court adopted the measure which justice recommended; neither the freemen nor the deputies of New Hampshire were required to be church members. Thus political harmony was established, though the settlements long retained marks of the difference of their origin.(1)

The attempt to gain possession of the territory on Narragansett Bay was less deserving of success. Massachusetts proceeded with the decision of an independent state. Samuel Gorton, a wild but benevolent enthusiast, who used to say, heaven was not a place, there was no heaven but in the hearts of good men, no hell but in the mind, had created disturbances in the district of Warwick. A minority of the inhabitants, wearied with harassing disputes, requested the interference of the magistrates of Massachusetts,(2) and two sachems, near Providence, surrendered the soil to the jurisdiction of that state.(3) Gorton and his partisans did not disguise their scorn for the colonial clergy; they were advocates for liberty of conscience, and, at the same time, having no hope of protection except from England, they were, by their position, enemies to colonial independence; they denied the authority of the magistrates of Massachusetts, not only on the soil of Warwick, but everywhere, inasmuch as it was tainted by a want of true allegiance. Such opinions, if carried into effect, would have destroyed the

(1) Belknap, c. ii. Adams, p. 30. Hubbard, 371, 372. Compare Winthrop, ii. 28 and 93.

(2) iii. Mass. Hist. Coll. i. 2—4. Winthrop, ii. 59. Hubbard, 406.

(3) Winthrop, ii. 120—123.

ecclesiastical system of Massachusetts, and subverted its liberties, and were therefore thought worthy of death; but the public opinion of the time, as expressed by a small majority of the deputies, was more merciful, and Gorton and his associates were imprisoned. It is the nature of a popular state to cherish peace; the people murmured at the severity of their rulers, and the imprisoned men were soon set at liberty; but the claim to the territory was not immediately abandoned.(1)

The enlargement of the territory of Massachusetts was, in part, a result of the virtual independence which the commotions in the mother country had secured to the colonies. The establishment of a UNION among the Puritan states of New England, was a still more important measure.

Immediately after the victories over the Pequods,
^{1637.} at a time when the earliest synod had gathered in Boston the leading magistrates and elders of Connecticut, the design of a confederacy was proposed. Many of the American statesmen, familiar with the character of the government of Holland, possessed sufficient experience and knowledge to frame the necessary plan; but time was wanting; the agents of Plymouth could not be seasonably summoned, and the subject was deferred. The next year
^{1638.} it came again into discussion; but Connecticut, offended "because some pre-eminence was yielded to Massachusetts," insisted on reserving to each state a negative on the proceedings of the confederacy. This reservation was refused; for, in that case, said Massachusetts, "all would have come to nothing."

^{1639.} The vicinity of the Dutch, a powerful neighbour, whose claims Connecticut could not, single-handed, defeat, led the colonists of the west to renew the negotiation; and with such success, that, within a few years, THE UNITED COLONIES OF NEW ENGLAND were "made

(1) On Gorton, see Eliot, in iii. Mass. Hist. Coll. iv. 136. Winthrop, i. 91, 296, ii. 58, 59, and Eddy's note, 142—148, 156, 165, 166, 280, 295, 299, 317, 322. Colony Records, ii. Johnson, b. ii. c. xxiii. xxiv. Lechford, 41, 42. Gorton, in ii. Mass. Hist. Coll. viii. 68—70. Morton, 202—206. Gorton, in Hutchinson, i. App. xx. Hubbard, 343, 344, 401—407, and 500—512. Hazard, i. 546—553. C. Mather, b. vii. c. ii. s. 12. Callender, 35, 38. Hopkins, in ii. Mass. Hist. Coll. ix. 199—201. Hutchinson, i. 114—118. Hutchinson's Coll. 237—239, and 405, 415. Backus, i. 118 and ff. Eliot, in i. Mass. Hist. Coll. ix. 35—38. Knowles, 182—189. Savage on Winthrop, ii. 147—149. Baylies, N.P. i. c. xii. Best of all is Gorton's own account, with the accurate commentary of Staples.

all as one.”(1) Protection against the encroachments of the Dutch and the French; security against the tribes of savages; the liberties of the gospel in purity and in peace,—these were the motives to the confederacy, which did, itself, continue nearly half a century, and which, even after it was cut down, left a hope that a new and a better union would spring from its root.

Neither was the measure accomplished without a progress in political science. If the delegates from three of the states were empowered to frame and definitively conclude a union, the colony of Plymouth now set the example of requiring that the act of their constituent representatives should have no force till confirmed by a majority of the people.

The union embraced the separate governments of Massachusetts, Plymouth, Connecticut, and New Haven; but to each its respective local jurisdiction was carefully reserved. The question of State rights is nearly two hundred years old. The affairs of the confederacy were intrusted to commissioners, consisting of two from each colony. Church membership was the only qualification required for the office. The commissioners, who were to assemble annually, or oftener if exigencies demanded, might deliberate on all things which are “the proper concomitants or consequents of a confederation.” The affairs of peace and war, and especially Indian affairs, exclusively belonged to them; they were authorized to make internal improvements at the common charge; they, too, were the guardians to see equal and speedy justice assured to all the confederates in every jurisdiction. The common expenses were to be assessed according to population.

Thus remarkable for unmingled simplicity was the form of the first confederated government(2) in America. It was a directory, apparently without any check. There was no president, except as a moderator of its meetings; and the larger state, Massachusetts, superior to all the rest in territory, wealth, and population, had no greater number of votes than New Haven. But the commissioners were, in reality, little more than a deliberative body; they possessed no executive power, and, while they

(1) Winthrop, i. 237, 284, 299; ii. 350, 265. Hubbard, 466. Johnson, b. ii. c. xxiii.

(2) On the Confederacy—the Records, in Hazard, v. ii. Winthrop, ii. 101—106. Morton, 229. Hubbard, c. lii.

could decree a war and a levy of troops, it remained for the states to carry their votes into effect.

Provision was made for the reception of new members into the league; but the provision was wholly without results. The people beyond the Piscataqua were not admitted, because "they ran a different course" from the Puritans, "both in their ministry and in their civil administration." The plantations of Providence also desired in vain to participate in the benefits of the union;(1) and the request of the island of Rhode Island was equally rejected, because it would not consent to form a part of the jurisdiction of Plymouth.(2) Yet this early confederacy survived the jealousies of the Long Parliament, met with favour from the Protector, and remained safe from censure on the restoration of the Stuarts.

Its chief office was the security of the settlements against the natives, whose power was growing more formidable in proportion as they became acquainted with the arts of civilized life. But they were, at the same time, weakened by dissensions among themselves. Now that the Pequod nation was extinct, the more quiet Narragansetts could hardly remain at peace with the less numerous Mohegans. Anger and revenge brooded in the mind of Miantonomoh. He hated the Mohegans, for they were the allies of the English, by whom he had been arraigned as a criminal. He had suffered indignities at Boston, alike wounding to his pride as a chieftain and his honour as a man. His savage wrath was kindled against Uncas, his accuser, whom he detested as doubly his enemy,—once as the sachem of a hostile tribe, and again as a traitor to the whole Indian race, the cringing sycophant of the white men. Gathering his men suddenly together, in defiance of a treaty to which the English were parties,(3) Miantonomoh, accompanied by a thousand warriors, fell upon the Mohegans. But his movements were as rash as his spirit was impetuous; he was defeated and taken prisoner by those whom he had doomed as a certain prey to his vengeance. By the laws of Indian warfare the fate of the captive was death. Yet Gorton and his friends, who held their lands by a grant from Miantonomoh interceded for their benefactor. The unhappy chief was conducted to Hartford; and the wavering Uncas, who had the strongest

(1) Mass. MS. State Papers, Case i. File i. No. 17.

(2) Hazard, ii. 99, 100.

(3) Hubbard's Indian Wars, 42.

claims to the gratitude and protection of the English,(1) asked the advice of the commissioners of the United Colonies. Murder had ever been severely punished by the Puritans; they had, at Plymouth, with the advice of Massachusetts, executed three of their own men for taking the life of one Indian; and the elders, to whom the case of Miantonomoh was referred, finding that he had, deliberately and in time of quiet, murdered a servant in the service of the Mohegan chief; that he had fomented discontents against the English; and that, in contempt of a league, he had plunged into a useless and bloody war,—could not perceive in his career any claims to mercy. He seemed to merit death, yet not at the hands of the settlers. Uncas received his captive, and, conveying the helpless victim beyond the limits of the jurisdiction of Connecticut, put him to death.(2) So perished Miantonomoh, the friend of the exiles from Massachusetts, the faithful benefactor of the fathers of Rhode Island.

The tribe of Miantonomoh burned to avenge the execution of their chief; but they feared a conflict with the English, whose alliance they vainly solicited, and who persevered in protecting the Mohegans. The Narragansetts were at last compelled to submit in sullenness to a peace, of which the terms were alike hateful to their independence, their prosperity, and their love of revenge.(3)

While the commissioners, thus unreservedly and without appeal, controlled the relation of the native tribes, the spirit of independence was still further displayed by a direct negotiation and a solemn treaty of peace with the governor of Acadia.(4)

Content with the security which the confederacy afforded, the people of Connecticut desired no guarantee for their independence from the government of England; taking 1644. care only, by a regular purchase, to obtain a title to 1646. the soil from the assigns of the Earl of Warwick.(5) The people of Rhode Island, excluded from the colonial

(1) ii. Mass. H. C. viii. 137, 141.

(2) Records, in Hazard, ii. 7—13. I. Mather's Ind. Troubles, 56, 57. Morton, 234. Winthrop, ii. 130, 134. Hubbard's Indian Wars, 42—45. Johnson, b. ii. c. xxiii. Trumbull, i. 129—135. Drake, b. ii. 67. Relation in iii. Mass. Hist. Coll. iii. 161 and ff. Gorton, in Staples's edition, 154 and ff. See the opinions and arguments of Hopkins, and Savage, and Staples, of Davis and Holmes.

(3) Hazard, ii. 40—50. Winthrop, ii. 193, 246, 380.

(4) Winthrop, ii. 197. Hazard, i. 536 and 537, and ii. 50, 54.

(5) Trumbull, i. App. v. and vi.

union, would never have maintained their existence as a separate state, had they not sought the interference and protection of the mother country; and the founder^{1643.} of the colony was chosen to conduct the important mission.

Embarking at Manhattan, he arrived in England not long after the death of Hampden. The parliament had placed the affairs of the American colonies under the control of Warwick, as governor-in-chief, assisted by a council of five peers and twelve commoners.(1) Among these commoners was Henry Vane, a man who was ever as true in his affections as in his principles, and who now welcomed the American envoy as an ancient friend. The favour of parliament was won by the incomparable "printed Indian labours of Roger Williams,(2) the like whereof was not extant from any part of America;" and his merits as a missionary induced "both Houses of Parliament to grant unto him, and friends with him, a free and absolute charter(3) of civil government for those parts of his abode."(4) Thus were the places of refuge for^{1644.} "soul-liberty," on the Narragansett Bay, incorporated "with full power and authority to rule themselves." To the Long Parliament, and especially to Sir Henry Vane, Rhode Island owes its existence as a political state.

A double triumph awaited Williams on his return to New England. He arrived at Boston, and letters from the parliament insured him a safe reception from those who had decreed his banishment. But what honours prepared for the happy negotiator, on his return to the province which he had founded! As he reached Seekonk, he found the water covered with a fleet of canoes; all Providence had come forth to welcome the return of its benefactor. Receiving their successful ambassador, the group of boats started for the opposite shore; and, as they paddled across the stream, Roger Williams, placed in the centre of his grateful fellow-citizens, and glowing with the purest joy, "was elevated and transported out of himself."(5)

And now came the experiment of the efficacy of popular sovereignty. The value of a moral principle may be tried

(1) Hazard, i. 533, 535.

(2) Rhode Island Hist. Coll. i.

(3) ii. Mass. Hist. Coll. ix. 185.

(4) Winthrop, ii. 193. Knowles, 200. See also Callender and Backus,—both very good authorities, because both followed original documents.

(5) Knowles, 202. The work of Knowles is of high value.

on a small community as well as a large one; the experiment on magnetism, made with a child's toy, gives as sure a result as when the agency of that subtle power is watched in its influence on the globe. There were already several towns in the new state, filled with the strangest and most incongruous elements,—Anabaptists and Antinomians, fanatics (as its enemies asserted) and infidels; so that, if a man had lost his religious opinions, he might have been sure to find them again in some village of Rhode Island. All men were equal; all might meet and debate in the public assemblies; all might aspire to office; the people, for a season, constituted itself its own tribune, and every public law required confirmation in the primary assemblies. And so it came to pass, that the little “democracie,” which, at the beat of the drum or the voice of the herald, used to assemble beneath an oak or by the open sea-side, was famous for its “headiness and tumults,” its stormy town-meetings, and the angry feuds of its herdsmen and shepherds. But, true as the needle to the pole, the popular will instinctively pursued the popular interest. Amidst the jarring quarrels of rival statesmen in the plantations, good men were chosen to administer the government; and the spirit of mercy, of liberality, and wisdom, was impressed on its legislation.⁽¹⁾ “Our popularitie,” say their records, “shall not, as some con-
^{1647.} jecture it will, prove an anarchie, and so a common tirannie; for we are exceeding desirous to preserve every man safe in his person, name, and estate.”⁽²⁾

The danger still menaced. The executive council of state in England had granted to Coddington a commission
^{1651.} for governing the islands; and such a dismemberment of the territory of the narrow state must have terminated in the division of the remaining soil between the adjacent governments. Williams was again compelled to return to England; and, with John Clarke, his colleague in
^{1652.} the mission, was again successful. The dangerous commission was vacated, and the charter and union of what now forms the state of Rhode Island confirmed. The general assembly, in its gratitude, desired that Williams might himself obtain from the sovereign authority in England an appointment as governor for a year over the whole colony. But if gratitude blinded the province,

(1) ii. Mass. Hist. Coll. vii. 78, &c.

(2) MS. Records of R. I. for 1647.

ambition did not blind its benevolent author. Williams refused to sanction a measure which would have furnished a dangerous precedent, and was content with the honour of doing good. His entire success with the executive council was due to the powerful intercession of Sir Henry Vane. "Under God, the sheet-anchor of Rhode Island was Sir Henry." (1) But for him, Rhode Island would, perhaps, have been divided among its neighbours. "From the first beginning of the Providence colony," thus ^{1654.} did the town-meeting address Sir Henry Vane,—
 "you have been a noble and true friend to an outcast and despised people; we have ever reaped the sweet fruits of your constant loving-kindness and favour. We have long been free from the iron yoke of wolfish bishops; we have sitten dry from the streams of blood spilt by the wars in our native country. We have not felt the new chains of the Presbyterian tyrants, nor, in this colony, have we been consumed by the over-zealous fire of the (so-called) godly Christian magistrates. We have not known what an excise means; we have almost forgotten what tithes are. We have long drunk of the cup of as great liberties as any people that we can hear of under the whole heaven. When we are gone, our posterity and children after us shall read, in our town records, your loving-kindness to us, and our real endeavour after peace and righteousness."

Far different were the early destinies of the province of Maine. A general court was held at Saco, under the auspices of the lord proprietary, who had drawn upon ^{1640.} paper a stately scheme of government, with deputies and counsellors, a marshal and a treasurer of the public revenue, chancellors, and a master of the ordnance, and everything that the worthy old man deemed essential ^{1642.} to his greatness. Sir Ferdinand had "travailed in the cause above forty years," and expended above twenty thousand pounds; yet all the regalia which Thomas Gorges, his trusty and well-beloved cousin and deputy, could find in the principality, were not enough for the scanty furniture of a cottage. Agamenticus, though in truth but "a poor village," (2) soon became a chartered borough; like another Romulus, the veteran soldier resolved to perpetuate his name, and, under the name of Gorgeana, the land round York became as good a city as seals and parchment, a nominal mayor and aldermen, a

(1) Backus, i. 286.

(2) Winthrop, ii. 100.

chancery court and a court-leet, sergeants and white rods, can make of a town of less than three hundred inhabitants and its petty officers. Yet the nature of Gorges was generous, and his piety sincere. He sought pleasure in doing good; fame, by advancing Christianity among the heathen; a durable monument, by erecting houses, villages, and towns. The contemporary and friend of Raleigh, he adhered to schemes in America for almost half a century; and long after he became convinced of their unproductiveness, was still bent on plans of colonization, at an age when other men are but preparing to die with decorum. Firmly attached to the monarchy, he never disobeyed his king, except that, as a churchman and a Protestant, he refused to serve against the Huguenots. When the wars in England broke out, the septuagenarian royalist buckled on his armour, and gave the last strength of his gray hairs to the defence of the unfortunate Charles.⁽¹⁾ In America, his fortunes had met with a succession of untoward events. The patent for Lygonia had been purchased by Rigby, a 1643, republican member of the Long Parliament, and a dispute ensued between the deputies of the respective proprietaries. In vain did Cleaves, the agent of Rigby, solicit the assistance of Massachusetts; the colony warily refused to take part in the strife. It marks the confidence of all men in the justice of the Puritans, that both aspirants now appealed to the Bay magistrates, and solicited them to act as umpires. The cause was learnedly argued in 1645. Boston, and the decree of the court was oracular. Neither party was allowed to have a clear right; and both were enjoined to live in peace. But how could Vines and Cleaves assert their authority? On the death of Gorges, the people repeatedly wrote to his heirs. No 1647- answer was received; and such commissioners as had 1648. authority from Europe gradually withdrew. There was no relief for the colonists but in themselves; and the inhabitants of Piscataqua, Gorgeana, and Wells, 1649. following the American precedent, with free and unanimous consent⁽²⁾ formed themselves into a body politic for the purposes of self-government. Massachusetts readily offered its protection. The great charter of 1652. the Bay company was unrolled before the general court in Boston, and, "upon perusal of the instrument, it was voted that this jurisdiction extends from the northern-

(1) Hutch. Coll. 386, 387.

(2) i. Mass. Hist. Coll. i. 103.

most part of the River Merrimack, and three miles more, north, be it one hundred miles, more or lesse, from the sea; and then upon a straight line east and west to each sea.”(1) The words were precise. Nothing remained but to find the latitude of a point three miles to the north of the remotest waters of the Merrimack, and to claim all the territory of Maine which lies south of that parallel; for the grant to Massachusetts was prior to the patents under which Rigby and the heirs of Gorges had been disputing. Nor did the “engrassing” Massachusetts make an idle boast of the territorial extent of its chartered rights. Commissioners were promptly despatched to the eastward to settle the government. The firm remonstrances of Edward Godfrey, then governor of the 1652- province, a loyal friend to the English monarchy and 1653. the English church, were disregarded; and one town after another, yielding in part to menaces and armed force, gave in its adhesion. Great care was observed to guard the rights of property; every man was confirmed in his possessions; the religious liberty of the Episcopalians was left unharmed; the privileges of citizenship were extended to all inhabitants; and the whole eastern country gradually, yet reluctantly, submitted to the necessity of the change. When the claims of the proprietaries in England were urged before Cromwell, many inhabitants of the towns of York, Kittery, Wells, Saco, and Cape 1656. Porpoise, yet not a majority, remonstrated on the ground of former experience. To sever them from Massachusetts would be to them “the subverting of all civil order.”(2)

Thus did Massachusetts, following the most favourable interpretation of its charter, extend its frontier to the islands in Casco Bay. It was equally successful in maintaining its independence of the Long Parliament; though the circumstances of the contest were fatal to the immediate assertion of the liberty of conscience.

With the increase of English freedom, the dangers 1644. which had menaced Massachusetts appeared to pass away; its government began to adventure on a more lenient policy; the sentence of exile against Wheelwright

(1) Mass. State Papers, Case i. File vii. Nos. 4, 20, 58; viii. Nos. 17, 44, 45, 46, 47; x. No. 88.

(2) Documents in Maine Hist. Coll. 296, 299. MS. Letter of Geo. Folsom.

was rescinded; a proposition was made to extend the franchises of the company to those who were not church members, provided "a civil agreement among all the English could be formed" for asserting the common liberty. For this purpose letters were written to the confederated states; but the want of concert defeated the plan. The law which, nearly at the same time, threatened obstinate Anabaptists with exile, was not designed to be enforced. "Anabaptism," says Jeremy Taylor in his famous argument for liberty, "is as much to be rooted out as anything that is the greatest pest and nuisance to the public interest." The fathers of Massachusetts reasoned more mildly. The dangers apprehended from some wild and turbulent spirits, "whose conscience and religion seemed only to sett forth themselves and raise contentions in the country, did provoke us"—such was their language at the time—"to provide for our safety by a law, that all such should take notice how unwelcome they should be unto us, either comeing or staying. But for such as^{1646.} differ from us only in judgment, and live peaceably amongst us, such have no cause to complain; for it hath never beene as yet putt in execution against any of them, although such are known to live amongst us." (1) Even two of the presidents of Harvard college were Anabaptists.

While dissenters were thus treated with an equivocal toleration, no concessions were made towards the government in England. It was the creed of even the most loyal deputy, that "if the king, or any party from him, should attempt anything against this commonwealth," it was a common duty "to spend estate, and life, and all, without scruple, in its defence;" that "if the parliament itself should hereafter be of a malignant spirit, then, if the colony have strength sufficient, it may withstand any authority from thence to its hurt." (2) Massachusetts called^{1644.} itself "a perfect republic." (3) Nor was the expression a vain boast. The commonwealth, by force of arms, preserved in its harbours a neutrality between the ships of the opposing English factions; and the law which placed death as the penalty on any "attempt at the alteration of the frame of polity fundamentally," (4) was well understood to be aimed at those who should assert the absolute supremacy of the English parliament. The

(1) Hutchinson's Coll. 216.

(2) Winthrop, ii. 176, 183.

(3) *Respublica perfecta*.(4) *Colony Laws*.

establishment of a mint in 1652 was a further exercise of sovereignty.

Whilst the public mind was agitated with discussions on liberty of conscience and independence of English jurisdiction, the community, in this infancy of popular government, was disturbed with a third "great question about the authority of the magistrates and the liberty of the people." (1)

A democratic party had for many years been acquiring a control of public opinion. The oldest dispute in the 1639. colony related to the grounds and limits of the autho-
1634. rity of the governor. In Boston, on occasion of dividing the town lands, "men of the inferior sort were chosen." Eliot, the apostle of the Indians, maintained that treaties should not be made without consulting the commons. The doctrine of rotation in office was 1639. asserted, even to the neglect of Winthrop, "lest there should be a governor for life." When one of the elders proposed that the place of governor should be held for life the deputies immediately resolved that no magistrate 1639- of any kind should be elected for more than a year.
1644. The magistrates once, assembling in a sort of aristocratic caucus, nominated several persons for office, and the people took care to reject every one of the candidates thus proposed. On the other hand, when one of the ministers attempted to dissuade the people from choosing the same officers twice in succession, they disliked the interference of the adviser more than they loved the doctrine of frequent change, and re-elected the old magistrates almost without exception. The condition of a new colony which discarded the legislation of the mother country, necessarily left many things to the opinions of the executive. The people were loud in demanding a government of law, and not of discretion. No sooner had the benevolent Winthrop pleaded against the establishment of an exact penalty for every offence,—because justice, not less than mercy, imposed the duty of regulating the punishment by the circumstances of the case, —than the cry of arbitrary power was raised; and the people refused the hope of clemency, when it was to be obtained from the accidental compassion and the capricious judgments of a magistrate. The authority exercised by the assistants during the intervals between the sessions,

(1) Winthrop, ii. 228.

became a subject of apprehension. The popular party having a majority of the deputies, proposed to substitute a joint commission. The proposition being declined as inconsistent with the patent, they then desired to reserve the question for further deliberation. When to this it was answered, that, in the mean time, the assistants would act according to the power and trust which they claimed by the charter, the deputies immediately rejoined, by their speaker, Hawthorne, "You will not be obeyed." The same spirit occasioned the strenuous, though unsuccessful efforts to deprive the magistrates of their negative on the doings of the house. The negative power was feared as a bulwark of authority, a limitation of the power of the popular will.⁽¹⁾

Such had been the progress of public opinion, when the popular party felt a consciousness of so great strength, as to desire a struggle with its opponents. The opportunity could not long be wanting. The executive magistrates, accustomed to tutelary vigilance over the welfare of the towns, had set aside a military election in Hingham. There had been, perhaps, in the proceedings, sufficient irregularity to warrant the interference. The affair came before the general court. "Two of the magistrates and a small majority of the deputies were of opinion that the magistrates exercised too much power, and that the people's liberty was thereby in danger; while nearly half the deputies, and all the rest of the magistrates, judged that authority was overmuch slighted, which, if not remedied, would endanger the commonwealth, and introduce a mere democracy." The two branches being thus at variance, a reference to the arbitration of the elders was proposed. But "to this the deputies would by no means consent; for they knew that many of the elders were more careful to uphold the honour and power of the magistrates than themselves well liked of." The angry conferences of a long session followed. But the magistrates, sustained by the ministers, excelled the popular party in firmness and in self-possession. The latter lost ground by joining issue on a question where its own interest eventually required its defeat.

For the root of the disturbance at Hingham existed in "a presbyterial spirit," which opposed the government of

(1) Winthrop, i. 82, 83, 151, 152, 299, 300, 301, 302; ii. 167, 169, 172, 204, 210, 307, 343.

the colonial commonwealth. Some of those who pleaded the laws of England against the charter and the administration in Massachusetts, had been committed by Winthrop for contempt of the established authority. It was now proposed to procure their release by his impeachment. Hitherto the enemies of the state had united with the popular party, and both had assailed the charter as the basis of magisterial power,—the former with the view of invoking the interposition of England, the latter in the hope of increasing popular liberty. But the citizens could not be induced, even in the excitement of political divisions, to wrong the purest of their leaders, and the factious elements were rendered harmless by decomposition. Winthrop appeared at the bar only to triumph in his integrity. "Civil liberty," said the noble-minded man, in 'a little speech' on the occasion, "is the proper end and object of authority, and cannot subsist without it. It is a liberty to that only which is good, just, and honest. This liberty you are to stand for with the hazard not only of your goods, but, if need be, of your lives. Whatsoever crosseth this is not authority, but a distemper thereof."

It now became possible to adjust the long-continued difference by a compromise. The power of the magistrates over the militia was diminished by law;(1) but though the magistrates themselves were by some declared to be but public servants, holding "a ministerial office," and though it became a favourite idea that all authority resides essentially with the people in their body representative, yet the Hingham disturbers were punished by heavy fines, while Winthrop and his friends retained (what they deserved) the affectionate confidence of the colony. The opposition of Bellingham was due to his jealousy of Winthrop and Dudley, the chief officers of the state, whom he would willingly have supplanted.

The court of Massachusetts was ready to concede the enjoyment of religious worship under the Presbyterian forms;(2) yet its enemies, defeated in their hope of a union with the popular party, were resolutely discontented, and now determined to rally on the question of liberty of conscience. The attempt was artful, for the doctrine had been rapidly making progress. Many books had come from England in defence of toleration. Many

(1) Winthrop, ii. 246.

(2) Winslow, 28.

of the court were well inclined to suspend the laws against Anabaptists, and the order subjecting strangers to the supervision of the magistrates; and Winthrop thought that "the rule of hospitality required more moderation and indulgence." In Boston a powerful liberal party already openly existed. But now the apparent purpose of advancing religious freedom was made to disguise measures of the deadliest hostility to the frame of civil government. The nationality of New England was in danger. The existence of Poland was sacrificed, in the last century, by means of the Polish Dissidents, who appealing to the Russian cabinet to interfere in behalf of liberty of conscience, opened the doors of their country to the enemy of its independence. The Roman Catholic bigots were there the impassioned guardians of Polish nationality. The Calvinists of New England were of a cooler temperament; but with equal inflexibility they anchored their liberties on unmixed Puritanism. "To eat out the power of godliness," became an expression nearly synonymous with an attempt to acknowledge the direct supremacy of parliament. William Vassal, of Scituate, was the chief of the "busy and factious spirits, always opposite to the civil governments of the country and the way of its churches;" and, at the same time, through his brother, a member of the Long Parliament and of the commission for the colonies, he possessed influence in England. The movement began in Plymouth, by a proposition "for a full and free tolerance of religion to all men, without exception against Turk, Jew, Papist, Arian, Socinian, Familist, or any other." The deputies, not perceiving any political purpose, were ready to adopt the motion. "You would have admired," wrote Winslow to Winthrop, "to have seen how sweet this carion relished to the palate of most of them." (1) The plan was defeated by delay; and Massachusetts became the theatre of action.

The new party desired to subvert the charter government, and introduce a general governor from England. They endeavoured to acquire strength by rallying all the materials of opposition. The friends of Presbyterianism were soothed by hopes of a triumph; the democratic party was assured that the government should be more popular; while the penurious were provoked by complaints of

(1) Hutch. Coll. 154.

unwise expenditures and intolerable taxations.(1) But the people refused to be deceived; and when a petition for redress of grievances was presented to the general court, it was evidently designed for English ears. It had with difficulty obtained the signatures of seven men, and of these, some were sojourners in the colony, who desired only an excuse for appealing to England. The document was written in a spirit of wanton insult.(2) It introduced every topic that had been made the theme of party discussion, and asserted (what Lord Holt and Lord Treby would have confirmed, but what the colonists were not willing to concede) that there existed in the country no settled form of government according to the laws of England. An entire revolution was demanded; "if not," add the remonstrants, "we shall be necessitated to apply our humble desires to both houses of parliament;" and there was reason to fear that they would obtain a favourable hearing before the body whose authority they laboured to enlarge.

1646. For [Gorton had carried his complaints to the mother country, and though unaided by personal influence or by powerful friends, had succeeded in all his wishes. At this very juncture, an order respecting his claims arrived in Boston, and was couched in terms which involved an assertion of the right of parliament to reverse the decisions and control the government of Massachusetts. The danger was imminent. It struck at the very life and foundation of the rising commonwealth. Had the Long Parliament succeeded in revoking the patent of Massachusetts, the Stuarts, on their restoration, would have found not one chartered government in the colonies," and the tenor of American history would have been changed. The people rallied with great unanimity in support of their magistrates. A law had been drawn up, and was ready to pass, conferring on all residents equal power in town affairs, and enlarging the constituency of the state. It was deemed safe to defer the important enactment till the present controversy should be settled; the order against Anabaptists was likewise left unrepealed; and, notwithstanding strong opposition from the friends of toleration in Boston, it was resolved to convene a synod to give

(1) Johnson, ii. Mass. Hist. Coll. viii. 6.

(2) Compare Hutch. Coll. 189, 212, 213.

counsel on the permanent settlement of the ecclesiastical polity.

At length the general court assembled for the discussion of the usurpations of parliament, and the dangers from domestic treachery. The elders did not fail to attend in the gloomy season. One faithless deputy was desired to withdraw; and then, with closed doors (that the consultation might remain in the breast of the court), the nature of the relation with England was made the subject of debate. After much deliberation, it was agreed that Massachusetts owed to England the same allegiance as the free Hans Towns had rendered to the empire; as Normandy, when its dukes were kings of England, had paid to the monarchs of France. It was also resolved not to accept a new charter from the parliament, for that would imply a surrender of the old. Besides, parliament granted none, but by way of ordinance, which the king might one day refuse to confirm, and always made for itself an express reservation of "a supreme power in all things." The elders, after a day's consultation, confirmed the decisions. "If parliament should be less inclinable to us, we must wait upon Providence for the preservation of our just liberties."

The colony then proceeded to exercise the independence which it claimed. The general court replied to the petition in a state-paper, written with great moderation; and the disturbers of the public security were summoned into its presence. Robert Childe and his companions appealed to the commissioners in England. The appeal was not admitted. "The charter," he urged, "does but create a corporation within the realm, subject to English laws."—"Plantations," replied the court, "are above the rank of an ordinary corporation; they have been esteemed other than towns, yea, than many cities. Colonies are the foundations of great commonwealths. It is the fruit of pride and folly to despise the day of small things."

To the parliament of England the Legislature remonstrated with the noblest frankness against any assertion of the paramount authority of that body.

"An order from England," say they, "is prejudicial to our chartered liberties, and to our well-being in this remote part of the world. Times may be changed; for all things here below are subject to vanity, and other princes or parliaments may arise. Let not succeeding

generations have cause to lament and say, England sent our fathers forth with happy liberties, which they enjoyed many years, notwithstanding all the enmity and opposition of the prelacy, and other potent adversaries, and yet these liberties were lost in the season when England itself recovered its own. We rode out the dangers of the sea; shall we perish in port? We have not admitted appeals to your authority, being assured they cannot stand with the liberty and power granted us by our charter, and would be destructive to all government. These considerations are not new to the high court of parliament; the records whereof bear witness of the wisdom and faithfulness of our ancestors in that great council, who, in those times of darkness, when they acknowledged a supremacy in the Roman bishops, in all causes ecclesiastical, yet would not allow appeals to Rome.

“The wisdom and experience of that great council, the English parliament, are more able to prescribe rules of government and judge causes, than such poor rustics as a wilderness can breed up; yet the vast distance between England and these parts abates the virtue of the strongest influences. Your councils and judgments can neither be so well grounded, nor so seasonably applied, as might either be useful to us, or safe for yourselves, in your discharge, in the great day of account. If any miscarriage shall befall us, when we have the government in our own hands, the state of England shall not answer for it.

“Continue your favourable aspect to these infant plantations, that we may still rejoice and bless our God under your shadow, and be there still nourished with the warmth and dews of heaven. Confirm our liberties; discountenance our enemies, the disturbers of our peace under pretence of our injustice. A gracious testimony of your wonted favour will oblige us and our posterity.”

In the same spirit, Edward Winslow, the agent for Massachusetts in England, publicly denied that the jurisdiction of parliament extended to America. “If the parliament of England should impose laws upon us, having no burgesses in the House of Commons, nor capable of a summons by reason of the vast distance, we should lose the liberties and freedom of English indeed.”(1) Massachusetts was not without steadfast friends in the legislature of England; yet it marks an honest love of liberty

(1) Winslow's *New England's Salamander*, 24.

and of justice in the Long Parliament, that the doctrines of colonial equality should have been received with favour. "Sir Henry Vane, though he might have taken occasion against the colony for some dishonour, which he apprehended to have been unjustly put upon him there, yet showed himself a true friend to New England, and a ¹⁶⁴⁷ man of a noble and generous mind.(1) After ample deliberation, the committee of parliament magnanimously replied, "We encourage no appeals from your justice. We leave you with all the freedom and latitude that may, in any respect, be duly claimed by you."(2)

Such were the arts by which Massachusetts preserved its liberties. The people sustained their magistrates with great unanimity; hardly five-and-twenty persons could be found in the whole jurisdiction to join in a complaint against the strictness of the government; and when the discontented introduced the dispute into the elections, their candidates were defeated by an overwhelming majority.(3)

The harmony of the people had been confirmed by the courage of the elders, who gave fervour to the enthusiasm of patriotism. "It had been as unnatural for a right New England man to live without an able ministry, as for a smith to work his iron without a fire." The union between the elders and the state could not, therefore, but become more intimate than ever; and religion was venerated and cherished as the security against political subserviency. When the synod met by adjournment, it was by the common consent of all the Puritan colonies, that a system of church government was established for the congregations.(4) The platform retained authority for more than a century, and has not yet lost its influence. It effectually excluded the Presbyterian modes of discipline from New England.

The jealousy of independence was preserved in its wake-

(1) Winthrop, ii. 248 and 317.

(2) Hutchinson, i. 136—140, is confused and inaccurate. Was it from ignorance? His errors are repeated by Chalmers and Grahame. The inquirer must go to the original authorities—Colony Records; Hutchinson's Collection, 188—218; Winthrop, ii. 278—301, and 317—322; N. E.'s Jonas cast up at London, in ii. Mass. Hist. Coll. iv. 107, &c.; E. Winslow's N. E.'s Salamander Discovered, in iii. Mass. Hist. Coll. ii. 110, &c. See also Johnson, b. iii. c. iii.; Hubbard, c. lv.; Hazard, i. 544, &c.

(3) Winthrop, ii. 307.

(4) Result of a Synod, &c. See also Winthrop and Hubbard. Cotton Mather is diffuse on the subject.

fulness. The Long Parliament asserted its power over
 1650- the royalist colonies in general terms, which seemed
 1655. alike to threaten the plantations of the north; and
 now that royalty was abolished, it invited Massachusetts
 to receive a new patent, and to hold courts and issue
 warrants in its name. But the colonial commonwealth
 was too wary to hazard its rights by merging them in
 the acts of a government of which the decline seemed
 approaching. It has been usual to say, that the people
 of Massachusetts foiled the Long Parliament. In a
 public state-paper, they refused to submit to its requi-
 sitions, and yet never carried their remonstrance beyond
 the point which their charter appeared to them to
 warrant.(1)

After the successes of Cromwell in Ireland, he
 1651. voluntarily expressed his interest in New England,
 by offering its inhabitants estates and a settlement in the
 beautiful island which his arms had subdued. His offers
 were declined; for the emigrants already loved their land
 of refuge, where their own courage and toils had esta-
 blished "the liberties of the Gospel in its purity." Our
 government, they said among themselves, "is the happiest
 and wisest this day in the world."

1651- The war between England and Holland hardly dis-
 1654. turbed the tranquillity of the colonies. The western
 settlements, which would have suffered extreme misery
 from a combined attack of the Indians and the Dutch,
 were earnest for attempting to reduce New Amsterdam;
 but Massachusetts could deliberate more coolly, and its
 elders wisely answered, that the wars of Europe ought not
 to destroy the happiness of America; that "it was safest
 for the colonies to forbear the use of the sword, but to be
 in a posture of defence." The nature of the reserved
 powers of the members of the union now became the
 subject of animated discussion; but a peaceful intercourse
 with Manhattan continued.(2)

The European republics had composed their strife,
 1654. before the fleet, which was designed to take posses-
 sion of the settlements on the Hudson, reached the shores
 of America. It was a season of peace between England
 and France; and yet the English forces, turning to the
 north, made the easy conquest of Acadia—an acquisition

(1) Hutchinson, i. App. viii.

(2) Hazard, ii. has all the documents on this subject.

which no remonstrances or complaints could induce the Protector to restore.(1)

The possession was perhaps considered a benefit to New England, of which the inhabitants enjoyed the confidence of Cromwell throughout all the period of his success. They were fully satisfied that the battles which he had fought were the battles of the Lord; and "the spirits of the brethren were carried forth in faithful and affectionate prayers in his behalf;" but, at the same time, they charged him to rule his spirit, rather than to storm cities. Cromwell, in return, was moved by the sincerity of their regard; he seems to have found relief in pouring out his heart to them freely; he confessed that the battle of Dunbar, where "some, who were godly," were fought into their graves, was, of all the acts of his life, that on which his mind had the least quiet; and he declared himself "truly ready to serve the brethren and the churches" in America. The declaration was sincere. The people of New England were ever sure that Cromwell would listen to their requests, and would take an interest in all the little details of their condition. He left them independence, and favoured their trade. When his arms had made the conquest of Jamaica, he offered them the island, with
 1655. the promise of all the wealth which the tropical clime pours prodigally into the lap of industry; and though they frequently thwarted his views, they never forfeited his regard. English history must judge of Cromwell by his influence on the institutions of England; the American colonies remember the years of his power as the period when British sovereignty was for them free from rapacity, intolerance, and oppression. He may be called the benefactor of the English in America; for he left them to enjoy unshackled the liberal benevolence of Providence, the freedom of industry, of commerce, of religion, and of government.(2)

Yet the Puritans of New England perceived that their security rested on the personal character of the Protector, and that other revolutions were ripening; they, therefore, never allowed their vigilance to be lulled. The influence of the elders was confirmed; the civil and the religious institutions had become intimately connected. While the

(1) Haliburton, i. 61.

(2) Hutchinson's Coll. 233 and ff. Hutch. Hist. App. No. ix. x. Mass. State Papers, Case i. File vii. No. 34; File x. No. 77.

spirit of independence was thus assured, the evils ensued that are in some measure inseparable from a religious establishment; a distinct interest grew up under the system; the severity of the laws was sharpened against infidelity on the one hand, and sectarianism on the other; nor can it be denied, nor should it be concealed, that the elders, especially Wilson and Norton, instigated and sustained the government in its worst cruelties.

Where the mind is left free, religion can never have dangerous enemies,—for no class has then a motive to attempt its subversion; while the interests of society demand a foundation for the principles of justice and benevolence. Atheism is a folly of the metaphysician, not the folly of human nature. Of savage life, Roger Williams declared, that he had never found one native American who denied the existence of a God; in civilized life, when it was said of the court of Frederic, that the place of king's atheist was vacant, the gibe was felt as the most biting sarcasm. Infidelity gains the victory when it wrestles with hypocrisy or with superstition, but never when its antagonist is reason. Men revolt against the oppressions of superstition, the exactions of ecclesiastical tyranny, but never against religion itself. When an ecclesiastical establishment, under the heaviest penalties, requires universal conformity, the diversity of human opinion necessarily involves the consequence, that some consciences are oppressed and wronged. In such cases, if the wrong is excessive, intellectual servitude is followed by consequences analogous to those which ensue on the civil slavery of the people; the mind, as it bursts its fetters, is clouded by a sense of injury; the judgment is confused; and in the zeal to resist a tyranny, passion attempts to sweep away every form of religion. Bigotry commits the correlative error, when it endeavours to control opinion by positive statutes,—to substitute the terrors of law for convincing argument. It is a crime to resist truth under pretence of resisting injurious power; it is equally a crime to enslave the human understanding, under pretence of protecting religion. The reckless mind, rashly hurrying to the warfare against superstition, has often, though by mistake, attacked intelligence itself; but religion, of itself alone, never had an enemy; except, indeed, as there have been theorists, whose harmless ingenuity has denied all distinction between right and wrong, between justice and its

opposite. Positive enactments against irreligion, like positive enactments against fanaticism, provoke the evil which they were designed to prevent. Danger is inviting. If left to himself, he that vilifies the foundations of morals and happiness, does but publish his own unworthiness. A public prosecution is a mantle to cover his shame; for to suffer for opinion's sake is courageous, and courage is always an honourable quality.

The conscientious austerity of the colonists, invigorated by the love of power, led to a course of legislation which, if it was followed by the melancholy result of bloodshed, was also followed, among the freemen of the New World, by emancipation from bigotry, achieved without any of the excesses of intolerant infidelity. The inefficiency of fanatic laws was made plain by the fearless resistance of a still more stubborn fanaticism.

Saltonstall wrote from Europe that, but for their severities, the people of Massachusetts would have been "the eyes of God's people in England." The consistent
1651. Sir Henry Vane had urged, that "the oppugners of the Congregational way should not, from its own principles and practice, be taught to root it out." "It were better," he added, "not to censure any persons for matters of a religious concernment." (1) The elder Winthrop had, I believe, relented before his death, and professed himself weary of banishing heretics; the soul of the younger Winthrop was incapable of harbouring a thought of intolerant cruelty; (2) but the rugged Dudley was not mellowed by old age. "God forbid," said he, "our love for the truth should be grown so cold, that we should tolerate errors.—I die no libertine."—"Better tolerate hypocrites and tares than thorns and briers," affirmed Cotton. "Polypiety," echoed Ward, "is the greatest impiety in the world. To say that men ought to have liberty of conscience, is impious ignorance."—"Religion," said the melancholic Norton, "admits of no eccentric notions." But the people did not entirely respond to these extravagant views, into which the bigotry of personal interest had betrayed the elders, and the love of unity, so favourable to independence, had betrayed the leading men. The public mind was awakened to inquiry; the topic of the power of the civil magistrate in religious affairs was become the theme of perpetual discussion; and it needed all

(1) iii. Mass. Hist. Coll. i. 37.

(2) Bishop's N. E. Judged.

the force of established authority to sustain the doctrine of persecution. Massachusetts was already in the state of transition: and it was just before expiring, that bigotry, with convulsive energy, exhibited its worst aspect,—just as the waves of the sea are most tumultuous when the wind is subsiding, and the tempest is yielding to a calm.

Anabaptism was to the establishment a dangerous rival. When Clarke, the pure and tolerant Baptist of Rhode Island, one of the happy few who succeed in acquiring an estate of beneficence, and connecting the glory of their name with the liberty and happiness of a commonwealth, began to preach to a small audience in Lynn, he was seized by the civil officers. Being compelled to attend with the congregation, he expressed his aversion by a harmless indecorum, which would yet have been without excuse had his presence been voluntary. He and his companions were tried, and condemned to pay a fine of twenty or thirty pounds; and Holmes, who refused to pay his fine, was whipped unmercifully.

Since a particular form of worship had become a part of the civil establishment, irreligion was now to be punished as a civil offence. The state was a model of Christ's kingdom on earth; treason against the civil government was treason against Christ; and reciprocally, as the gospel had the right paramount, blasphemy, or what a jury should call blasphemy, was the highest offence in the catalogue of crimes. To deny any book of the Old or New Testament to be the written and infallible word of God, was punishable by fine or by stripes, and, in case of obstinacy, by exile or death. Absence from "the ministry of the word" was punished by a fine.

By degrees the spirit of the establishment began to
 1653. subvert the fundamental principles of Independency. The liberty of prophesying was refused, except the approbation of four elders, or of a county court, had been obtained. Remonstrance(1) was useless. The union of church and state was fast corrupting both; it mingled base ambition with the former; it gave a false direction to the legislation of the latter. And at last the general court claimed
 1658. for itself, for the council, and for any two organic churches, the right of silencing any person who was not as yet ordained. Thus rapidly did human nature

(1) Felt's Salem, 188 and 533. iii. Mass. Hist. Coll. i. 40.

display its power! The creation of a national, uncompromising church, led the Congregationalists of Massachusetts to the indulgence of the passions which had disgraced their English persecutors; and Laud was justified by the men whom he had wronged.

But if the Baptists were feared, as professing doctrines tending to disorganize society, how much more reason was there to dread such emissaries of the Quakers as appeared in Massachusetts! The first and most noisy advocates of any popular sect are apt to be men of little consideration. They who have the least to risk are most clamorous for novelties; and the early advocates of the Quakers in New England displayed little of the mild philosophy, the statesman-like benevolence of Penn and his disciples; though they possessed the virtue of passive resistance in perfection. Left to themselves, they appeared like a motley tribe of persons, half fanatic, half insane; without consideration, and without definite purposes. Persecution called them forth to show what intensity of will can dwell in the depths of the human heart. They were like those weeds which are unsightly to the eye, and which only when trampled give out precious perfumes.

The rise of "the people called Quakers" was one of the most remarkable results of the Protestant revolution. It was a consequence of the moral warfare against corruption; the aspiration of the human mind after a perfect emancipation from the long reign of bigotry and superstition. It grew up with men who were impatient at the slow progress of the reformation, the tardy advances of intellectual liberty. A better opportunity will offer for explaining its influence on American institutions. It was in the month of July, 1656, that two of its members, Mary Fisher and Ann Austin, arrived in the road before Boston.⁽¹⁾ There was as yet no statute respecting Quakers; but, on the general law against heresy, their trunks were searched, and their books burnt by the hangman; "though no token could be found on them but of innocence,"⁽²⁾ their persons were examined in search of

(1) I compose the narrative from comparing the Quaker accounts, by Gould, and Sewell, and Besse, full of documents, with those of the colonial historians. There is no essential difference. Every leading work has something on the subject. The apologies of the colonists, especially Norton's book, *The Heart of N. E. Rent*, still exist, and are before me. Compare the life of Mary Dyer, in C. Sedgwick's *Tales and Sketches*.

(2) Sewell, i. 294. Besse, ii. 198—207.

signs of witchcraft; and, after five weeks' close imprisonment, they were thrust out of the jurisdiction. Eight others were, during the year, sent back to England. The rebuke enlarged the ambition of Mary Fisher; she repaired alone to Adrianople, and delivered a message to the Grand Sultan. The Turks thought her crazed, and she passed through their army "without hurt or scoff."

Yet the next year, although a special law now prohibited the introduction of Quakers, Mary Dyer, an Antinomian exile, and Ann Burden, came into the colony; the former was claimed by her husband, and taken to Rhode Island; the latter was sent to England. A woman who had come all the way from London, to warn the magistrates against persecution, was whipped with twenty stripes. Some, who had been banished, came a second time; they were imprisoned, whipped, and once more sent away, under penalty of further punishment, if they returned again. A fine was imposed on such as should entertain any "of the accursed sect;" and a Quaker, after the first conviction, was to lose one ear, after a second another, after the third to have the tongue bored with a red-hot iron. It was but for a very short time that the menace of these enormities found place in the statute-book. The colony was so ashamed of the order for mutilation, that it was soon repealed, and was never printed. But this legislation was fruitful of results. Quakers swarmed where they were feared. They came expressly because they were not welcome; and threats were construed as invitations. A penalty of ten shillings was now imposed on every person for being present at a Quaker meeting, and of five pounds for speaking at such meeting. In the execution of the laws, the pride of consistency involved the magistrates in acts of extreme cruelty.

The government of Massachusetts at length resolved to follow the advice of the commissioners for the united colonies; from which the younger Winthrop alone had dissented.⁽¹⁾ Willing that the Quakers should live in peace in any other part of the wide world, yet desiring to deter them effectually from coming within its jurisdiction, the general court, after much resistance, and by a majority of but a single vote, banished them on pain of death. The object of severity was not to persecute, but to exclude

(1) Records, in Hazard, ii. Roger Williams, in Knowles, 311. Compare Bishop's N.E. Judged; Hutchinson, i. 184.

them. "For the security of the flock," said Norton, "we pen up the wolf; but a door is purposely left open whereby he may depart at his pleasure." Vain legislation! and frivolous apology! The soul, by its freedom and immortality, preserves its convictions or its frenzies even amidst the threat of death.

It has been attempted to excuse the atrocity of the law, because the Quakers avowed principles that seemed subversive of social order. Any government might, on the same grounds, find in its unreasonable fears an excuse for its cruelties. The argument justifies the expulsion of the Moors from Spain, of the Huguenots from France; and it forms a complete apology for Laud, who was honest in his bigotry, persecuting the Puritans with the same good faith with which he recorded his dreams. The fears of one class of men are not the measure of the rights of another.

It is said, the Quakers themselves rushed on the sword, and so were suicides. If it were so, the men who held the sword were accessories to the crime.

It is true that some of the Quakers were extravagant and foolish; they cried out from the windows at the magistrates and ministers that passed by, and mocked the civil and religious institutions of the country. They riotously interrupted public worship; and women, forgetting the decorum of their sex, and claiming a divine origin for their absurd caprices, smeared their faces, and even went naked through the streets. Indecency, however, is best punished by slight chastisements. The house of Folly has perpetual succession; yet numerous as is the progeny, each individual of the family is very short-lived, and dies the sooner where its extravagancy is excessive. A fault against manners may not be punished by a crime against nature.

The act itself admits of no defence; the actors can plead no other justification than delusion. Prohibiting the arrival of Quakers was not persecution; and banishment is a term hardly to be used of one who has not acquired a home. When a pauper is sent to his native town he is not called an exile. A ship from abroad, which should enter the harbour of Marseilles against the order of the health-officer, would be sunk by the guns of the fort. The government of Massachusetts applied similar quarantine rules to the morals of the colony, and would as little tolerate what seemed a ruinous heresy, as the French would

tolerate the plague : I do not plead the analogy ; the cases are as widely different as this world and the next ; I desire only to relate facts with precision. The ship suspected of infection might sail for another port ; and the Quaker, if he came once, was sent away ; if he came again, was sentenced to death, and then might still quit the jurisdiction on a promise of returning no more. Servetus did but desire leave to continue his journey. The inquisition hearkened to secret whispers for grounds of accusation ; the magistrates of Massachusetts left all in peace but the noisy brawlers, and left to them the opportunity of escape. For four centuries Europe had maintained that heresy should be punished by death. In Spain, more persons have been burned for their opinions than Massachusetts then contained inhabitants. Under Charles V., in the Netherlands alone, the number of those who were hanged, beheaded, buried alive, or burned, for religious opinion, was fifty thousand, says father Paul ; the whole carnage amounted, says Grotius,(1) to not less than one hundred thousand. America was guilty of the death of four individuals ; and they fell victims rather to the contest of will than to the opinion that Quakerism was a capital crime.

1659. Of four persons ordered to depart the jurisdiction on pain of death, Mary Dyar, a firm disciple of Ann Hutchinson, whose exile she had shared, and Nicholas Davis, obeyed. Marmaduke Stephenson and William Robinson had come on purpose to offer their lives ; instead of departing, they went from place to place "to build up their friends in the faith." In October Mary Dyar returned. Thus there were three persons arraigned on the sanguinary law. Robinson pleaded in his defence the special message and command of God. "Blessed be God, who calls me to testify against wicked and unjust men." Stephenson refused to speak till sentence had been pronounced ; and then he imprecated a curse on his judges. Mary Dyar exclaimed, "The will of the Lord be done," and returned to the prison "full of joy." From the gaol she wrote a remonstrance. "Were ever such laws heard of among a people that profess Christ come in the flesh ? Have you no other weapons but such laws to fight against

(1) Sarpi, *Istoria del Concil. Trid.* L. v. Opere, v. ii. p. 33. E con tutto, che il numero ne' Paesi Bassi tra impiccati, decapitati, sepolti vivi, ed abbruciati aggiugnesse a cinquantamila. *Annales*, p. 12, ed. 1678. Carnificata hominum non minus centum millia.

spiritual wickedness withal, as you call it? Woe is me for you. Ye are disobedient and deceived. Let my request be as Esther's to Ahasuerus. You will not repent that you were kept from shedding blood, though it was by a woman." The three were led forth to execution. "I die for Christ," said Robinson: "We suffer not as evil-doers, but for conscience sake," were the last words of his companion. Mary Dyar was reprieved; yet not till the rope had been fastened round her neck, and she had prepared herself for death. Transported with enthusiasm, she exclaimed "Let me suffer as my brethren, unless you will annul your wicked law." She was conveyed out of the colony; but soon returning, she also was hanged on Boston common, a willing martyr to liberty of conscience. "We desired their lives absent, rather than their deaths present," was the miserable apology for these proceedings.

These cruelties excited great discontent. Yet William Leddra was put upon trial for the same causes. While the trial was proceeding, Wenlock Christison, already banished on pain of death, entered the court, and struck dismay into the judges, who found their severities ineffectual. Leddra was desired to accept his life, on condition of promising to come no more within the jurisdiction. He refused, and was hanged.

Christison met his persecutors with undaunted courage. By what law, he demanded, will ye put me to death?—We have a law, it was answered, and by it you are to die.—So said the Jews to Christ. But who empowered you to make that law?—We have a patent, and may make our own laws.—Can you make laws repugnant to those of England?—No.—Then you are gone beyond your bounds. Your heart is as rotten towards the king as towards God. I demand to be tried by the laws of England, and there is no law there to hang Quakers.—The English banish Jesuits on pain of death,⁽¹⁾ and with equal justice we may banish Quakers.—The jury returned a verdict of guilty. Wenlock replied, "I deny all guilt; my conscience is clear before God." The magistrates were divided in pronouncing sentence; the vote was put a second time, and there appeared a majority for the doom of death.

(1) Banishment on pain of death used to be very common in English legislation. By the Act of Elizabeth, 35, c. i. every dissenter was conditionally so banished. In January, 1652, John Lilburne was banished on pain of death by the parliament.

"What do you gain," cried Christison, "by taking Quakers' lives? For the last man that ye put to death, here are five come in his room. If ye have power to take my life, God can raise up ten of his servants in my stead."

The voice of the people had always been averse to bloodshed; the magistrates, infatuated for a season, became convinced of their error; Wenlock, with twenty-seven of his friends, was discharged from prison; and the doctrine of toleration, with the pledges of peace, hovered like the dove at the window of the ark, waiting to be received into its rightful refuge.

The victims of intolerance met death bravely; they would be entitled to perpetual honour, were it not that their own extravagances occasioned the foul enactment, to repeal which they laid down their lives. Far from introducing religious charity, their conduct irritated the government to pass the laws of which they were the victims. But for them the country had been guiltless of blood; and causes were already in action which were fast substituting the firmness and the charity of intelligence for

^{1612.} the severity of religious bigotry. It was ever the custom, and it soon became the law, in Puritan New England, that "none of the brethren shall suffer so much barbarism in their families, as not to teach their children and apprentices so much learning as may enable them perfectly to read the English tongue." "To the end that learning may not be buried in the graves of our forefathers," it was ordered in all the Puritan colonies,

^{1647.} "that every township, after the Lord hath increased them to the number of fifty householders, shall appoint one to teach all children to write and read; and where any town shall increase to the number of one hundred families, they shall set up a grammar school; the masters thereof being able to instruct youth so far as they may be fitted for the university."⁽¹⁾ The press began its work in 1639. "When New England was poor, and they were but few in number, there was a spirit to encourage learning."

^{1636.} Six years after the arrival of Winthrop, the general court voted a sum, equal to a year's rate of the whole colony, towards the erection of a college. In 1638, John Harvard, who arrived in the Bay only to fall a victim to the most wasting disease of the climate,

(1) Col. Laws, 74, 186. So, too, in Connecticut MS. Laws, and in the New Haven Code.

desiring to connect himself imperishably with the happiness of his adopted country, bequeathed to the college one half of his estate and all his library. The infant institution was a favourite; Connecticut, and Plymouth, and the towns in the East,(1) often contributed little offerings to promote its success; the gift of the rent of a ferry was a proof of the care of the state; and once, at least, 1645. every family in each of the colonies gave to the college at Cambridge twelve pence, or a peck of corn, or its value in unadulterated wampumpeag;(2) while the magistrates and wealthier men were profuse in their liberality. The college, in return, exerted a powerful influence in forming the early character of the country. In this, at least, it can never have a rival. In these measures, especially in the laws establishing common schools, lies the secret of the success and character of New England. Every child, as it was born into the world, was lifted from the earth by the genius of the country, and, in the statutes of the land, received, as its birthright, a pledge of the public care for its morals and its mind.

There are some who love to enumerate the singularities of the early Puritans. They were opposed to wigs; they could preach against veils; they denounced long hair; they disliked the cross in the banner, as much as the people of Paris disliked the lilies of the Bourbons, and for analogous reasons. They would not allow Christmas-day to be kept sacred; they called neither months, nor days, nor seasons, nor churches, nor inns, by the names common in England; they revived Scripture names at christenings. The grave Romans legislated on the costume of men, and their senate could even stoop to interfere with the triumphs of the sex to which civic honours are denied; the fathers of New England prohibited frivolous fashions in their own dress; and their austerity, checking extravagance even in woman, frowned on her hoods of silk and her scarfs of tiffany, extended the length of her sleeve to the wrist, and limited its greatest width to half an ell. The Puritans were formal and precise in their manners: singular in the forms of their legislation: rigid in the observance of their principles. Every topic of the day found a place in their extemporaneous prayers, and infused a

(1) Folsom's Saco and Biddeford, 108.

(2) Pierce's Harvard College. Winthrop, ii. 214, 216. Everett's Yale Address, 3.

stirring interest into their long and frequent sermons. The courts of Massachusetts respected in practice the code of Moses ; the island of Rhode Island enacted for a year or two a Jewish masquerade ; in New Haven, the members of the constituent committee were called the seven pillars, hewn out for the house of wisdom. But these are only the outward forms, which gave to the new sect its marked exterior. If from the outside peculiarities, which so easily excite the sneer of the superficial observer, we look to the genius of the sect itself, Puritanism was Religion struggling for the People. "Its absurdities," says its enemy, "were the shelter for the noble principles of liberty." It was its office to engraft the new institutions of popular energy upon the old European system of a feudal aristocracy and popular servitude ; the good was permanent ; the outward emblems which were the signs of the party, were of transient duration ; like the clay and ligaments with which the graft is held in its place, and which are brushed away as soon as the scion is firmly united.

The principles of Puritanism proclaimed the civil magistrate subordinate to the authority of religion ; and its haughtiness in this respect has been compared to "the infatuated arrogance" of a Roman pontiff. In the firmness with which the principle was asserted, the Puritans did not yield to the Catholics ; and, if the will of God is the criterion of justice, both were, in one sense, in the right. The question arises, Who shall be the interpreter of that will ? In the Roman Catholic church, the office was claimed by the infallible pontiff, who, as the self-constituted guardian of the oppressed, insisted on the power of dethroning kings, repealing laws, and subverting dynasties. The principle thus asserted, though often productive of good, could not but become subservient to the temporal ambition of the clergy. Puritanism conceded no such power to its spiritual guides ; the church existed independent of its pastor, who owed his office to its free choice ; the will of the majority was its law ; and each one of the brethren possessed equal rights with the elders. The right, exercised by each congregation, of electing its own ministers, was in itself a moral revolution : religion was now with the people, not over the people. Puritanism exalted the laity. Every individual who had experienced the raptures of devotion, every believer, who, in his

moments of ecstasy, had felt the assurance of the favour of God, was in his own eyes a consecrated person. For him the wonderful counsels of the Almighty had chosen a Saviour; for him the laws of nature had been suspended and controlled, the heavens had opened, earth had quaked, the sun had veiled his face, and Christ had died and had risen again; for him prophets and apostles had revealed to the world the oracles and the will of God. Viewing himself as an object of the divine favour, and in this connection disclaiming all merit, he prostrated himself in the dust before heaven; looking out upon mankind, how could he but respect himself, whom God had chosen and redeemed? He cherished hope; he possessed faith: as he walked the earth, his heart was in the skies. Angels hovered round his path, charged to minister to his soul; spirits of darkness leagued together to tempt him from his allegiance. His burning piety could use no liturgy; his penitence could reveal his transgressions to no confessor. He knew no superior in sanctity. He could as little become the slave of a priestcraft as of a despot. He was himself a judge of the orthodoxy of the elders; and if he feared the invisible powers of the air, of darkness, and of hell, he feared nothing on earth. Puritanism constituted, not the Christian clergy, but the Christian people, the interpreter of the divine will. The voice of the majority was the voice of God; and the issue of Puritanism was therefore popular sovereignty.

The effects of Puritanism display its true character still more distinctly. Ecclesiastical tyranny is of all kinds the worst; its fruits are cowardice, idleness, ignorance, and poverty; Puritanism was a life-giving spirit; activity, thrift, intelligence, followed in its train; and as for courage, a coward and a Puritan never went together. "He that prays best, and preaches best, will fight best;" such was the judgment of Cromwell, the greatest soldier of his age.

It was in self-defence that Puritanism in America began those transient persecutions of which the excesses shall find in me no apologist; and which yet were no more than a train of mists, hovering, of an autumn morning, over the channel of a fine river, that diffused freshness and fertility wherever it wound. The people did not attempt to convert others, but to protect themselves; they never punished opinion as such; they never attempted to torture or terrify

men into orthodoxy. The history of religious persecution in New England is simply this ;—the Puritans established a government in America such as the laws of natural justice warranted, and such as the statutes and common law of England did not warrant ; and that was done by men who still acknowledged the duty of a limited allegiance to the parent state. The Episcopalians had declared themselves the enemy of the party, and waged against it a war of extermination ; Puritanism excluded them from its asylum. Roger Williams, the apostle of “soul-liberty,” weakened the cause of civil independence by impairing its unity ; and he was expelled, even though Massachusetts always bore good testimony to his spotless virtues. (1) Wheelwright and his friends, in their zeal for strict Calvinism, forgot their duty as citizens, and they also were exiled. The Anabaptist, who could not be relied upon as an ally, was guarded as a foe. The Quakers denounced the worship of New England as an abomination, and its government as treason ; and therefore they were excluded on pain of death. The fanatic for Calvinism was a fanatic for liberty ; and he defended his creed ; for, in the moral warfare for freedom, his creed was a part of his army, and his most faithful ally in the battle.

For “New England was a religious plantation, not a plantation for trade. The profession of the purity of doctrine, worship, and discipline, was written on her forehead.” “We all,” says the confederacy in the oldest of American written constitutions, “came into these parts of America to enjoy the liberties of the gospel in purity and peace.” “He that made religion as twelve, and the world as thirteen, had not the spirit of a true New England man.” Religion was the object of the emigrants ; it was also their consolation. With this the wounds of the outcast were healed, and the tears of exile sweetened. (2) “New England was the colony of conscience.” (3)

Of all contemporary sects, the Puritans were the most free from credulity ; and, in their zeal for reform, pushed their regulations to what some would consider a sceptical extreme. So many superstitions had been bundled up with every venerable institution of Europe, that ages have not yet dislodged them all. The Puritans at once eman-

(1) Backus, i. 155. Winthrop, ii. 193.

(2) Norton's Heart, &c. 58. Norton's Choice Sermons, 15. Higginson's Cause of God, 11. Articles of Confederacy.

(3) John Q. Adams.

icipated themselves from a crowd of observances. They established a worship purely spiritual. To them the elements remained but wine and bread; they invoked no saints; they raised no altar; they adored no crucifix; they kissed no book; they asked no absolution; they paid no tithes; they saw in the priest nothing more than a man; ordination was no more than an approbation of the officer, which might be expressed by the brethren, as well as by other ministers; (1) the church, as a place of worship, was to them but a meeting-house; they dug no graves in consecrated earth; unlike their posterity, they married without a minister, and buried the dead without a prayer. (2) Witchcraft had not been made the subject of sceptical consideration; and in the years in which Scotland sacrificed hecatombs to the delusion, there were three victims in New England. Dark crimes, that seemed without a motive, may have been pursued under that name; I find one record of a trial for witchcraft, where the prisoner was proved a murderess. (3)

On every subject but religion, the mildness of Puritan legislation corresponded to the popular character of Puritan doctrines. Hardly a nation of Europe has as yet made its criminal law so humane as that of early New England. A crowd of offences was at one sweep brushed from the catalogue of capital crimes. The idea was never received, that the forfeiture of life may be demanded for the protection of property; the punishment for theft, for burglary, and highway robbery, was far more mild than the penalties imposed even by modern American legislation. Of divorce I have found no example; yet a clause in one of the statutes recognizes the possibility of such an event. Divorce from bed and board, the separate maintenance without the dissolution of the marriage contract—an anomaly in Protestant legislation, that punishes the innocent more than the guilty,—was utterly abhorrent from their principles. The care for posterity was everywhere visible. Since the sanctity of the marriage-bed is the safeguard of families, and can alone interest the father in the welfare and instruction of his offspring, its purity was protected by the penalty of death; a penalty which was inexorably enforced against the guilty wife and her paramour. (4) If in this respect the laws were more severe, in

(1) Trumbull's Conn. i. 283.

(2) Shepherd's Clear Sunshine, 36.

(3) Records, ii. 54, 55.

(4) Winthrop, ii. 157—159.

another they were more lenient, than modern manners approve. The girl whom youth and affection betrayed into weakness, was censured, pitied, and forgiven; the law compelled the seducer of innocence to marry the person who had imposed every obligation by the concession of every right. The law implies an extremely pure community; in no other would it find a place in the statute-book; in no other would public opinion tolerate the rule. Yet it need not have surprised the countrymen of Raleigh, or the subjects of the grandchildren of Clarendon.(1)

The benevolence of the early Puritans appears from other examples. Their thoughts were always fixed on posterity. Domestic discipline was highly valued; but if the law was severe against the undutiful child, it was also severe against a faithless parent. The slave-trade was forbidden under penalty of death. The earliest laws, till 1654, did not permit any man's person to be kept in prison for debt, except when there was an appearance of some estate which the debtor would not produce.(2) Even the brute creation was not forgotten; and cruelty towards animals was a civil offence. The sympathies of the colonists were wide; a regard for Protestant Germany is as old as emigration; and, during the thirty years' war, the whole people of New England held fasts and offered prayers for the success of their Saxon brethren.

The first years of the residence of Puritans in America were years of great hardship and affliction; it is an error to suppose that this short season of distress was not promptly followed by abundance and happiness. The people were full of affections; and the objects of love were around them. They struck root in the soil immediately. They enjoyed religion. They were, from the first, industrious, and enterprising, and frugal; and affluence followed of course. When persecution ceased in England, there were already in New England "thousands who would not change their place for any other in the world;" and they were tempted in vain with invitations to the Bahama Isles, to Ireland, to Jamaica, to Trinidad. The purity of morals completes the picture of colonial felicity. "As Ireland will not brook venomous beasts, so will not that land vile livers." One might dwell there "from year to year, and not see a drunkard, or hear an oath, or meet a beggar."(3)

(1) Pepys' Diary, i. 81.

(2) Col. Laws, 48.

(3) New England's First Fruits, printed 1643, p. 23, 26.

The consequence was universal health—one of the chief elements of public happiness. The average duration of life in New England, compared with Europe, was doubled; and the human race was so vigorous, that of all who were born into the world, more than two in ten, full four in nineteen, attained the age of seventy. Of those who lived beyond ninety, the proportion, as compared with European tables of longevity, was still more remarkable.

I have dwelt the longer on the character of the early Puritans of New England, for they are the parents of one-third the whole white population of the United States. Within the first fifteen years,—and there was never afterwards any considerable increase from England,—we have seen that there came over twenty-one thousand two hundred persons, or four thousand families. Their descendants are now not far from four millions. Each family has multiplied on the average to one thousand souls. To New York and Ohio, where they constitute half the population, they have carried the Puritan system of free schools; and their example is spreading it through the civilized world.

Historians have loved to eulogize the manners and virtues, the glory, and the benefits of chivalry. Puritanism accomplished for mankind far more. If it had the sectarian crime of intolerance, chivalry had the vices of dissoluteness. The knights were brave from gallantry of spirit; the Puritans from the fear of God. The knights were proud of loyalty; the Puritans of liberty. The knights did homage to monarchs, in whose smile they beheld honour, whose rebuke was the wound of disgrace; the Puritans, disdaining ceremony, would not bow at the name of Jesus, nor bend the knee to the King of Kings. Chivalry delighted in outward show, favoured pleasure, multiplied amusements, and degraded the human race by an exclusive respect for the privileged classes; Puritanism bridled the passions, commanded the virtues of self-denial, and rescued the name of man from dishonour. The former valued courtesy; the latter, justice. The former adorned society by graceful refinements; the latter founded national grandeur on universal education. The institutions of chivalry were subverted by the gradually increasing weight, and knowledge, and opulence of the industrious classes; the Puritans, rallying upon those classes, planted in their hearts the undying principles of democratic liberty.

The golden age of Puritanism was passing away. Time was silently softening its asperities, and the revolutions of England prepared an era in its fortunes. Massachusetts 1660. never acknowledged Richard Cromwell; it read clearly in the aspect of parties the impending restoration. The protector had left the benefits of self-government and the freedom of commerce to New England and to Virginia; and Maryland, by the act of her inhabitants, was just beginning to share in the same advantages. Would the dynasty of the Stuarts deal benevolently with the colonies? Would it imitate the magnanimity of Cromwell, and suffer the staple of the south still to seek its market freely throughout the world? Could the returning monarch forgive the friends of the Puritans in England? Would he show favour to the institutions that the outcasts had reared beyond the Atlantic?

CHAPTER XI.

THE RESTORATION OF THE STUARTS.

THE principles that should prevail in the administration of the American colonies, always formed a dividing question between the political parties in England. The 1660. restoration of the legitimate dynasty was attended by a corresponding change in colonial policy.

The revolution, which was now come to its end, had been in its origin a democratic revolution, and had apparently succeeded in none of its ultimate purposes. In the gradual progress of civilization, the power of the feudal aristocracy had been broken by the increased authority of the monarch; and the people, now beginning to claim the lead in the progress of humanity, prepared to contend for equality against privilege, as well as for freedom against prerogative. The contest failed for a season, because too much was at once attempted. Immediate emancipation from the decaying institutions of the past was impossible; hereditary inequalities were themselves endeared to the nation, from a love for the beneficent institutions with which close union had identified them; the mass of the people was still buried in the inactivity of listless ignorance; even for the strongest minds, public experience had not yet generated the principles by which a recon-

struction of the government on a popular basis could have been safely undertaken ; and thus the democratic revolution in England was a failure, alike from the events and passions of the fierce struggle which rendered moderation impossible, and from the misfortune of the age, which had not as yet acquired the political knowledge that time alone could gather for the use of later generations.

Charles I., conspiring against the national constitution, which he, as the most favoured among the natives of 1629- England, was the most solemnly bound to protect, 1640. had resolved to govern without the aid of a parliament. To convene a parliament was, therefore, in itself an acknowledgment of defeat. The House of Com- 1640. mons, which assembled in April, 1640, was filled with men not less loyal to the monarch than faithful to the people ; yet the king, who had neither the resignation of wise resolution, nor yet the daring of despair, perpetually vacillating between the desire of destroying English liberty, and a timid respect for its forms, disregarded the wishes of his more prudent friends, and, under the influence of capricious passion, suddenly dissolved a parliament more favourable to his interests than any which he could again hope from the excitement of the times. The friends of the popular party were elated at the dissolution. " This parliament could have remedied the confusion," said the royalist Hyde, afterwards Earl of Clarendon, to St. John. The countenance of the sombre republican, usually clouded with gloom, beamed with cheerfulness as he replied, " All is well ; things must be worse before they can be better ; this parliament could never have done what is necessary to be done." (1)

The exercise of absolute power was become more difficult than ever. The haughty Strafford had advised violent counsels. There were those who refused to take the oath never to consent to alterations in the Church of England. " Send for the chief leaders," wrote Strafford, (2) " and lay them by the heels ; no other satisfaction is to be thought of." But Strafford was not without his enemies among the royalists. During the suspension of parliament, two parties in the cabinet had disputed with each other the administration and the emoluments of despotism. The power of the ministers and the council of state was envied

(1) Clarendon, i. 140.

(2) Strafford's Letters, ii. 409. April 10, 1640.

by the ambition of the queen and the greedy selfishness of the courtiers ; and the arrogant Strafford and the unbending Laud had as bitter rivals in the palace as they had enemies in the nation. There was no unity among the friends of absolute power.

The expedient of a council of peers, convened at York, could not satisfy a people that venerated representative government as the most valuable bequest of its ancestors ; and a few weeks made it evident that concession was necessary. The councils of Charles were divided by hesitancy, rivalries, and the want of plan ; while the popular leaders were full of energy and union, and were animated by what seemed a distinct purpose, the desire of limiting the royal authority. The summons of a new parliament was now, on the part of the monarch, a surrender at discretion. But, by the English constitution, the royal prerogative was in some cases the bulwark of popular liberty ; the subversion of the royal authority made a way for the despotism of parliament.

The Long Parliament was not originally homogeneous. The usurpations of the monarch threatened the privileges of the nobility not less than the liberties of the people. The movement in the public mind, though it derived its vigour as well as its origin from the rising influence of the Puritans, was not directed towards vindicating power for the people, but only aimed at raising an impassable barrier against the encroachments of royalty. The object met with favour from a majority of the peerage, and from royalists among the commons ; and the past arbitrary measures of the court found opponents in Hyde, the inflexible Tory and faithful counsellor of the Stuarts ; in the more scrupulous Falkland, who hated falsehood and intrigue, and whose imagination inclined him to the popular side, till he began to dread innovations from its leaders more than from the ambition of the king ; and even in Capel, afterwards one of the bravest of the Cavaliers, and a martyr on the scaffold for his obstinate fidelity. The highest authority in England began to belong to the majority in parliament ; no republican party as yet existed ; the first division ensued between the ultra royalists and the vast undivided party of the friends of constitutional monarchy ; and though the house was in a great measure filled with members of the aristocracy, the moderate royalists were united with the friends of the people ; and, on

the choice of speaker, an immense majority appeared in favour of the constitution.

The sagacity of the Earl of Strafford anticipated danger, and he desired to remain in Ireland. "As I am king of England," said Charles,⁽¹⁾ "the parliament shall not touch one hair of your head;" and the reiterated urgency of the king compelled his attendance. His arraignment, within eight days of the commencement of the session, marks the resolute spirit of the commons; his attainder was the sign of their ascendancy. "On the honour of a king,"^{1641.} wrote⁽²⁾ Charles to the prisoner, "you shall not be harmed in life, fortune, or honour;" and the fourth day after the passage of the bill of attainder, as if to reveal his weakness, the king could send his adhesion to the commons, adding, "If Strafford must die, it were charity to reprieve him till Saturday."⁽³⁾ Men dreaded the service of a sovereign whose love was so worthless, and whose prerogative was so weak; safety was found on the side of the people; and the parliament was left without control to its work of reform. Its earliest acts were worthy of all praise. The liberties of the people were recovered and strengthened by appropriate safeguards; the arbitrary courts of High Commission, and the court of Wards, were broken up; the Star Chamber, doubly hated by the aristocracy, as "ever a great eclipse to the whole nobility,"⁽⁴⁾ was with one voice abolished; the administration of justice was rescued from the paramount influence of the crown; and taxation, except by consent, was forbidden. The principle of the writ of habeas corpus was introduced; and the kingdom of England was lifted out of the bondage of feudalism by a series of reforms, which were afterwards renewed, and which, when successfully embodied among the statutes, the commentator on English law esteemed above Magna Charta itself.⁽⁵⁾ These measures were national, were adopted almost without opposition, and received the nearly unanimous assent of the nation. They were truly English measures, directed in part against the abuses introduced at the Norman conquest, in part against the encroachments of the sovereign. They wiped away the traces that England had been governed as a conquered country; they were in harmony with the intelligence and

(1) Whitelocke, 36.

(2) Strafford's Letters, ii. 416.

(3) Burnet, i. 43. Compare Lingard's note, x. c. ii. 108, 109.

(4) Lord Andover, in Macauley, iii. 3. Rushworth, iv. 204.

(5) Blackstone, b. iv. c. xxxiii. 437.

the pride, the prejudices and the wants of England. Public opinion was the ally of the parliament.

But an act declaring that the parliament should neither be prorogued nor dissolved, unless with its own consent, had also been proposed, and urged with pertinacity till it received the royal concurrence. Parliament, in its turn, subverted the constitution, by establishing its own paramount authority, and making itself virtually irresponsible to its constituents ; it was evident a parliamentary despotism would ensue. The English government was substantially changed, in a manner injurious to the power of the executive, and still more dangerous to the freedom of the people. The king, in so far as he opposed the measure, was the friend of popular liberty ; the passage of the act placed the people of England, not less than the king, at the mercy of the parliament. The methods of tyranny are always essentially the same ; the freedom of the press was subjected to parliamentary censors. The usurpation foreboded the subversion of the throne, and the subjection of the people. The liberators of England were become its tyrants ; the rights of the nation had been asserted only to be sequestered for their use.

The spirit of loyalty was still powerful in the commons ; as the demands of the commons advanced, stormy debates and a close division ensued. Falkland, and Capel, and Hyde, now acted with the court. The remonstrance on the state of the kingdom, an uncompromising manifesto against the arbitrary measures of Charles, was democratic in its tendency ; because it proposed no specific reform, but was rather a general and exciting appeal to popular opinion. The English mind was already as restless as the waves of the ocean by which the island is environed ; the remonstrance was designed to increase that restlessness ; in a house of more than five hundred members, it was adopted by the meagre majority of eleven. " Had it not been carried," said Cromwell to Falkland, " I should have sold all I possess, and left the kingdom ! many honest men were of the same resolution." From the contest for " English liberties," men advanced to the discussion of natural rights ; with the expansion of their views, their purposes ceased to be definite ; and already reform was changing into a revolution. They were prepared to strip the church of its power, and royalty of its prescriptive sanctity ; and it was observable, that religious faith was on

the side of innovation, while incredulity abounded among the supporters of the divine right.

The policy of the king preserved its character of variable-ness. He had yielded where he should have been firm ; and he now invited a revolution by the violence of his counsels. Moderation and sincerity would have restored his influence. But when, attended by armed men,^{1642.} he repaired in person to the House of Commons, with the intent of seizing six of the leaders of the patriot party, whose execution was to soothe his fears, and tranquillize his hatred, the extreme procedure, so bloody in its purpose, and so illegal in its course, could only rouse the nation to anger against its sovereign, justify for the time every diminution of his prerogative, and, by inspiring settled distrust, animate the leaders of the popular party to a gloomy inflexibility. There was no room to hope for peace. The monarch was faithless, and the people knew no remedy. A change of dynasty was not then proposed ; and England languished of a disease for which no cure had been discovered. It was evident that force must decide the struggle. The parliament demanded the control of the national militia with the possession of the fortified towns. But would the Cavaliers consent to surrender all military power to plebeian statesmen ? Would the nobility endure that men should exercise dominion over the king, whose predecessors their ancestors had hardly been permitted to serve ? To Charles, who had had neither firmness to maintain his just authority, nor sincerity to effect a safe reconciliation, no alternative remained, but resistance or the surrender of all power ; and, unfurling the royal standard, he began a civil war.

The contest was between a permanent parliament and an arbitrary king. The people had no mode of intervention except by serving in the armies ; they could not come forward as mediators or as masters. The parliament was become a body, of which the duration depended on its own will ; unchecked by a supreme executive, or by an independent co-ordinate branch of legislation ; and, therefore, of necessity, a multitudinous despot, unbalanced and irresponsible ; levying taxes, enlisting soldiers, commanding the navy and the army, enacting laws, and changing at its will the forms of the English constitution. The issue was certain. Every representative body is swayed by the interests of its constituents, the interests of its own assembly, and the personal interests of its respective

members ; and never was the successive predominance of each of these sets of motives more clear than in the Long Parliament. Its first acts were mainly for its constituents, whose rights it vindicated, and whose liberties it increased ; its corporate ambition next prevailed, and it set itself against the throne and the peerage, both of which it was hurried forward to subvert ; individual selfishness at last had its triumph, and there were not wanting men who sought lucrative jobs, and grasped at disproportioned emoluments. Nothing could check the progress of degeneracy and corruption ; the example, the ability, and the conscientious purity of Henry Vane were unavailing. Had the life of Hampden been spared, he could not have changed the course of events, for he could not have changed the laws of nature, and the principles of human action.

^{1644.} The majority in parliament was become the despot of England ; and after one hundred and eighteen royalist members, obeying the summons of the king, had repaired to Oxford, the cause of royalty was powerless in the legislature. The party of the Church of England was prostrate ; but religious and political parties were identified ; and the new division conformed itself to the rising religious sects. Now that the friends of the church had withdrawn, the commons were at once divided into two imposing parties—the Presbyterians and the Independents ; the friends of a political revolution which should yet establish a nobility and a limited monarchy ; and the friends of an entire revolution on the principle of equality.

The majority was with the Presbyterians, who were elated with the sure hope of a triumph. They represented a powerful portion of the aristocracy of England ; they had, besides a majority in the Commons, the exclusive possession of the House of Lords ; they held the command of the army ; they had numerous and active adherents among the clergy ; the English people favoured them ; Scotland, which had been so efficient in all that had thus far been done, was entirely devoted to their interests ; and they hoped for a compromise with their sovereign. They envied the success of tyranny more than they abhorred its principles : monarchy, with Presbyterianism as the religion of state, was their purpose ; and they were at all times prepared to make peace with the king, if he would but consent to that revolution in the church which would secure their political ascendancy.

And what counterpoise could be offered by the Independents? How could they hope for superior influence, when it could be gained only by rising above the commons, the peers, the commanders of the army, all Scotland, and the mass of the English people? They had no omen of success but the tendency of revolutions, the enthusiasm of new opinions, the inclination of the human mind to push principles to their remoter consequences. An amalgamation with the Presbyterians would have implied subjection; power could be gained only by that progress in innovations which would drive the Presbyterians into opposition. The Independents, sharing in the agitation of the public mind, made the new ideas the support of their zeal, and the basis of their party. They gradually became the advocates of religious liberty and the power of the people. Their eyes were turned towards democratic institutions; and the glorious vision of emancipating the commons of England from feudal oppression, from intellectual servitude, and from a long aristocracy of superstition, inflamed them with an enthusiasm which would not be rebuked by the inconsistency of their schemes with the opinions, habits, and institutions of the nation.

The Presbyterian nobility, who had struggled for their privileges against royal power, were unwilling that innovation should go so far as to impair their rank or diminish their grandeur; the Independents, as new men, who had their fortunes to make, were prepared not only to subvert the throne, but to contend for equality against privilege. "The Presbyterian Earl of Manchester," said Cromwell, "shall be content with being no more than plain Montague." The men who broke away from the forms of society, and venerated nothing but truth; others who, in the folly of their pride, claimed for their opinions the sanctity and the rights of truth; they who sighed for a more equal diffusion of social benefits; the friends of entire liberty of conscience; the friends of a reform in the law, and a diminution of the profits of the lawyers; the men, like Milton and Sidney, whose imagination delighted in pictures of Roman liberty, of Spartan virtue; the less educated, who indulged in visions of a restoration of that happy Anglo-Saxon system, which had been invented in the woods in days of Anglo-Saxon simplicity; the republicans, the levellers, the fanatics,—all ranged themselves on the side of the new ideas.

The true representative of the better principles of the Independents was Henry Vane; but the acknowledged leader of the party was Oliver Cromwell. Was he sincere? Or was he wholly a hypocrite? It is difficult to disbelieve that his mind was honestly imbued with the extreme principles of Puritan reforms; but the man whose ruling motive is ambition, soon gains the mastery over his own convictions, and values and employs ideas only as instruments to his advancement. Self-love easily dupes conscience; and Cromwell may have always believed himself faithful to the interest of England. All great men are inclined to fatalism; for their success is a mystery to themselves; and it was not entirely with hypocrisy, that Cromwell, to the last, professed himself the servant of Providence, borne along by irresistible necessity.

Had peace never been broken, the Independents would have remained a powerless minority; the civil war gave them a rallying-point in the army. In the season of great public excitement, fanatics crowded to the camp; an ardour for popular liberty mingled with the fervours of religious excitement. Cromwell had early perceived that the honour and valour of the Cavaliers could never be overthrown by ordinary hirelings; he therefore sought to fill the ranks of his army with enthusiasts. His officers were alike ready to preach and pray, and to take the lead in the field of battle. With much hypocrisy, his camp was the scene of much real piety; and long afterwards, when his army was disbanded, its members, who, for the most part, were farmers and the sons of farmers, resumed their places among the industrious classes of society; while the soldiers of the royalists were often found in the ranks of vagabonds and beggars. It was the troops of Cromwell that first, in the open field, broke the ranks of the royal squadrons; and the decisive victory of Marston Moor was won by the iron energy and valour of the godly saints whom he had enlisted.

The final overthrow of the prospects of Charles in 1647. the field, marks the crisis of the struggle for the ascendant between the Presbyterians and Independents. The former party had its organ in the parliament, the latter in the army, in which the Presbyterian commander had been surprised into a resignation by the self-denying ordinance, and the intrigues of Cromwell. As the duration of the parliament was unlimited, the army refused to

be disbanded; claiming to represent the interests of the people, and actually constituting the only balance to the otherwise unlimited power of the parliament. The army could call the parliament a usurper, and the parliament could arraign the army as a branch of the public service, whose duty was obedience, and not counsel. On the other hand, if the parliament pleaded its office as the grand council of the nation, the army could urge its merits as the active and successful antagonist to royal despotism.

The new crisis was inevitable. The Presbyterians broke forth into menaces against the army. "These men," whispered Cromwell to Ludlow, "will never leave till the army pull them out by the ears." (1) The Presbyterian majority was in a false position; it appeared to possess paramount power, and did not actually possess it. Could they gain the person of the king, and succeed in pacific negotiations, their influence would be renewed by the natural love of order in the minds of the English people. A collision with the Independents was unavoidable; for the Independents could in no event negotiate with the king. In every negotiation a free parliament must have been a condition; and a free parliament would have been their doom. Self-preservation, uniting with ambition and wild enthusiasm, urged them to uncompromising hostility with Charles I. He or they must perish. "If my head or the king's must fall," argued Cromwell, "can I hesitate which to choose?" By an act of violence, the Independents seized on the king, and held him in their special custody. "Now," said the exulting Cromwell, "now that I have the king in my hands, I have the parliament in my pocket."

At length the Presbyterian majority, sustained by the admirable eloquence of Prynne, attempted to dispense with the army, and by a decided vote resolved to make^{1648.} peace with the king. To save its party from an entire defeat, the army interposed, and "purged" the House of Commons. "Hear us," said the excluded members to Colonel Pride, who expelled them. "I cannot spare the time," replied the soldier. "By what right are we arrested?" demanded they of the extravagant Hugh Peters. "By the right of the sword," answered the late envoy from Massachusetts. "You are called," said he, as he

(1) Ludlow, 73.

preached to the decimated parliament, "to lead the people out of Egyptian bondage; this army must root up monarchy, not only here, but in France and other kingdoms round about." (1) Cromwell, the night after the "interruption," reiterated, "I knew nothing of these late proceedings; but, since the work has been done, I am glad of it, and will endeavour to maintain it." (2)

When the House of Commons had thus been eliminated, there remained few beside republicans; and it was resolved to bring the unhappy monarch to trial before a special commission. "Providence and necessity," said Cromwell, affecting indecision, have cast the house upon this deliberation. I shall pray God to bless our counsels." (3) The young and sincere Algernon Sidney opposed, and saw the danger of a counter revolution. "No one will stir," cried Cromwell, impatiently; "I tell you we will cut off his head with the crown on it." (4) Sidney withdrew; and Charles was abandoned to the sanguinary severity of a sect. To sign the death-warrant was a solemn deed, from which some of his judges were ready to shrink; Cromwell concealed the magnitude of the act under an air of buffoonery; the chamber rung with gaiety; he daubed the cheek of one of the judges that sat next him with ink, and, amidst shouts of laughter, compelled another, the wavering Ingoldsby, to sign the paper as a jest. The ambassadors of foreign princes, eager to make purchases when the collections of the unhappy king were sold at auction, presented no remonstrance. Holland alone negotiated. The English people were overawed.

Treason against the state, on the part of its highest officers, is the darkest of human offences. Fidelity to the constitution is due from every citizen; in a monarch, the debt of gratitude is enhanced, for the monarch is the hereditary and special favourite of the fundamental laws. The murderer, even where his victim is eminent for genius and virtue, destroys what time will repair, and, deep as is his guilt, society suffers but transiently from the transgression. But the king who conspires against the liberties of the nation, conspires to subvert the most precious bequest of past ages, the dearest hope of future time; he would destroy genius in its birth, and enterprise in its sources,

(1) C. Walker, *Hist. of Independency*, ii. 50, 51 (published anonymously), by Theodorus Verax.

(2) Ludlow, 105.

(3) Walker, ii. 54.

(4) See Godwin, ii. 669.

and sacrifice the prolific causes of intelligence and virtue to his avarice or his vanity, his caprices or his ambition ; would rob the nation of its nationality, the people of the prerogatives of man ; would deprive common life of its sweets, by depriving it of its security, and religion of its power to solace, by subjecting it to supervision and control. His crime would not only enslave a present race of men, but forge chains for unborn generations. There can be no fouler deed.

Tried by the standard of his own intentions and his own actions, Charles I., it may be, had little right to complain. Yet when history gives its impartial verdict (1) on the execution, it remembers that, by the laws of England, the meanest individual could claim a trial by his peers ; and that the king was delivered, by a decimated parliament, which had prejudged his case, to a commission composed of his bitter and uncompromising enemies, and erected in defiance of the wishes of the people. His judges were but a military tribunal ; and the judgment, which assumed to be a solemn exercise of justice on the worst of criminals, arraigned by a great nation, and tried by its representatives, was in truth an act of tyranny. His accusers could have rightfully proceeded only as the agents of the popular sovereignty ; and the people disclaimed the deed. An appeal to the people would have reversed the decision. The Churchmen, the Presbyterians, the lawyers, the opulent landholders, the merchants, and the great majority of the English nation, preferred the continuance of a limited monarchy. There could be no republic ; there was no republic. Not sufficient advancement had been made in political knowledge. Milton believed himself a friend of popular liberty ; and yet his scheme of government, which proposed to subject England to the executive power of a self-perpetuating council, was far less favourable to equal freedom and to progress than monarchy itself. Not one of the proposed methods of government was capable of being realized. Lilbourne's was, perhaps, the most consistent, but was equally impracticable.

If the execution of Charles be considered by the rule of utility, its effects will be found to have been entirely bad. A free parliament would have saved the king, and

(1) William Prynne's Protestation, in Walker's *Anarchia Anglicana*, ii. 52—54. So, too, Mayhew of Boston. Mass. Hist. Coll. ii. 35.

reformed church and state ; in aiming at the immediate enjoyment of democratic liberty, the statesmen of that day long delayed the actual progress of popular enfranchisements. Nations change their institutions but slowly ; to attempt to pass abruptly from feudalism and monarchy to democratic equality, was the thought of enthusiasts, who understood neither the history, the character, nor the condition of the country. It was like laying out into entirely new streets, a city that was already crowded with massive structures, resting on firm foundations. Cromwell alone profited by the death of the king ; the deed was his policy, and not the policy of the nation.

The remaining members of the commons were now by their own act constituted the sole legislature and sovereign of England. The peerage was abolished with monarchy ; the connection between state and church rent asunder ; but there was no republic. Selfish ambition forbade it ; the state of society and the distribution and tenure of property forbade it. The commons usurped not only all powers of ordinary legislation, but even the right of remoulding the constitution. They were a sort of collective, self-constituted, perpetual dictatorship. Like Rome under its decemviri, England was enslaved by its legislators ; English liberty had become the patrimony and estate of the commons ; the forms of government, the courts of justice, peace and war, all executive, all legislative power, rested with them. They were irresponsible, absolute, and apparently never to be dissolved, but at their own pleasure.

But the commons were not sustained by the public opinion of the nation. They were resisted by the royalists and the Catholics, by the Presbyterians and the fanatics, by the honest republicans and the army. In Ireland, the Catholics dreaded the worst cruelties that Protestant bigotry could inflict. Scotland, almost unanimous in its adhesion to Presbyterianism, regarded with horror the rise of democracy, and the triumph of the Independents ; the fall of the Stuarts foreboded the overthrow of its independence ; it loved liberty, but it loved its nationality also. It feared the sovereignty of an English parliament, and desired the restoration of monarchy as a guarantee against the danger of being treated as a conquered province. In England, the opulent landholders, who swayed their ignorant dependants, rendered popular

institutions impossible ; and too little intelligence had as yet been diffused through the mass of the people, to make them capable of taking the lead in the progress of civilization. The fruitful schemes of social and civil equality found no support but in the enthusiasm of the few who fostered them ; and the heaviest clouds of discontent gathered sullenly round the nation.

The attempt at a counter revolution followed. But the parties by which it was made, though a vast majority of the three nations, were filled with mutual antipathies ; the Catholics of Ireland had no faith in the Scottish Presbyterians ; and these, in their turn, were full of distrust and hatred of the English Cavaliers. They feared each other as much as they feared the commons. There could, therefore, be no concert of opposition ; the insurrections, which, had they been made unitedly, had probably been successful, were not simultaneous. The Independents were united ; their strength lay in a small but well-disciplined army ; the celerity and military genius of Cromwell insured to them unity of counsels and promptness of action ; they conquered their adversaries in detail ; and the massacre of Drogheda, the field of Dunbar, and the victory of Worcester, destroyed the present hopes of the friends of monarchy.

The lustre of Cromwell's victories ennobled the crimes of his ambition. When the forces of the insurgents had been beaten down, there remained but two powers in the state, the Long Parliament and the army. To submit to a military despotism was inconsistent with the genius of the people of England ; and yet the Long Parliament, now containing but a fraction of its original members, could not be recognized as the rightful sovereign of the country, and possessed only the shadow of executive power. Public confidence rested on Cromwell alone. The few true republicans had no party in the nation ; a dissolution of the parliament would have led to anarchy ; a reconciliation with Charles II., whose father had just been executed, was impossible ; a standing army, it was plausibly argued, required to be balanced by a standing parliament ; and the House of Commons, the mother of the Commonwealth, insisted on nursing the institutions which it had established. But the public mind reasoned differently ; the virtual power rested with the army ; men dreaded confusion, and sighed for peace ; and they were

pleased with the retributive justice that the parliament, which had destroyed the English king, should itself be subverted by one of its members.

Thus the attempt at absolute monarchy on the part of Charles I., yielded to a constitutional, true English parliament; the control of parliament passed from the constitutional royalists to the Presbyterians, or representatives of a part of the aristocracy opposed to episcopacy; from the Presbyterians to the Independents, the enthusiasts, real or pretended, for popular liberty; and now that the course of the revolution had outstripped public opinion, a powerful reaction gave the supreme authority to Cromwell. Sovereignty had escaped from the king to the parliament, from the parliament to the commons, from the commons to the army, and from the army to its successful commander. Each revolution was a natural and necessary consequence of its predecessor.

Cromwell was one of those rare men whom even his enemies cannot name without acknowledging his greatness. The farmer of Huntingdon, accustomed only to rural occupations, unnoticed till he was more than forty years old, engaged in no higher plots than how to improve the returns of his farm, and fill his orchard with choice fruit, of a sudden became the best officer in the British army, and the greatest statesman of his time; subverted the English constitution, which had been the work of centuries; held in his own grasp the liberties which the English people had fixed in their affections, and cast the kingdoms into a new mould. Religious peace, such as England till now has never again seen, flourished under his calm mediation; justice found its way even among the remotest highlands of Scotland; commerce filled the English marts with prosperous activity under his powerful protection, his fleets rode triumphant in the West Indies; Nova Scotia submitted to his orders without a struggle; the Dutch begged of him for peace as for a boon; Louis XIV. was humiliated; the pride of Spain was humbled; the Protestants of Piedmont breathed their prayers in security; the glory of the English name was spread throughout the world.

And yet the authority of Cromwell marks but a period of transition. His whole career was an attempt to conciliate a union between his power and permanent public order; and the attempt was always unavailing, from the inherent

impossibility growing out of the origin of his power. It was derived from the submission, not from the will of the people; it came by the sword, not from the nation, or from established national usages. Cromwell saw the impracticability of a republic, and offered no excuse for his usurpations, but the right of the strongest to restore tranquillity—the old plea of tyrants and oppressors from the beginning of the world. He had made use of the enthusiasm of liberty for his advancement; he sought to sustain himself by conciliating the most opposite sects. For the republicans he had apologies; “the sons of Zeruiah, the lawyers, and the men of wealth, are too strong for us. If we speak of reform, they cry out that we design to destroy all propriety.” To the witness of the young Quaker against priestcraft and war, he replied, “It is very good; it is truth; if THOU and I were but an hour of a day together, we should be nearer one to the other.” From the field of Dunbar he had charged the Long Parliament “to reform abuses, and not to multiply poor men for the benefit of the rich.” Presently he appealed to the moneyed men and the lawyers; “he alone could save them from the levellers, men more ready to destroy than to reform.” Did the sincere levellers, the true Commonwealth’s men, make their way into his presence, he assured them “he preferred a shepherd’s crook to the office of protector; he would resign all power so soon as God should reveal his definite will;” and then he would invite them to pray. “For,” said he one day to the poet Waller, “I must talk to these people in their own style.” Did the passion for political equality blaze up in the breasts of the yeomanry, who constituted his bravest troops, it was checked by the terrors of a military execution. The Scotch Presbyterians could not be cajoled; he resolved to bow their pride; and did it in the only way in which it could be done, by wielding against their bigotry the great conception of the age, the doctrine of Roger Williams and Descartes, freedom of conscience. “Approbation,” said he, as I believe, with sincerity of conviction, “is an act of conveniency, not of necessity. Does a man speak foolishly? suffer him gladly, for ye are wise. Does he speak erroneously? stop such a man’s mouth with sound words, that cannot be gainsaid. Does he speak truly? rejoice in the truth.”(1) To win the royalists, he obtained an act of amnesty, a

(1) Thurloe, i. 161.

pledge of future favour to such of them as would submit. He courted the nation by exciting and gratifying national pride, by able negotiations, by victory and conquest. He sought to enlist in his favour the religious sympathies and enthusiasm of the people, by assuming for England a guardianship over the interest of Protestant Christendom, and burying all the mutual antipathies of sects in one common burning hatred against the court of Rome.

Seldom was there a less scrupulous or more gifted politician than Cromwell. But he was no longer a leader of a party. He had no party. A party cannot exist, except by the force of common principles; it is truth, and truth only, that of itself rallies men together. Cromwell, the oppressor of the Independents, had ceased to respect principles; his object was the advancement of his family; his hold on opinion went no farther than the dread of anarchy, and the strong desire for order. If moderate and disinterested men consented to his power, it was to his power as high constable, engaged to preserve the public peace. He could not confer on his country a fixed form of government, for that required a concert with the national affections, which he was never able to gain. He had just notions of public liberty, and he understood how much the English people are disposed to deify their representatives. Thrice did he attempt to connect his usurpation with the forms of representative government; and always without success. His first parliament, convened by special writ, and mainly composed of the members of the party by which he had been advanced, represented the movement in the English mind which had been the cause of the revolution. It indulged in pious ecstasies, laid claim to the special enjoyment of the presence of Jesus Christ, and spent whole days in exhortations and prayers. But the delirium of mysticism was not incompatible with clear notions of policy; and amidst the hyperboles of Oriental diction, they prepared to overthrow despotic power by using the power a despot had conceded. The objects of this assembly were all democratic: it laboured to effect a most radical reform; to codify English law, by reducing the huge volumes of the common law into a few simple English axioms; to abolish tithes; and to establish an absolute religious freedom, such as the United States now enjoy. This parliament has for ages been the theme of unsparing ridicule. Historians, with little generosity

towards a defeated party, have sided against the levellers ; and the misfortune of failure in action has doomed them to censure and contempt. Yet they only demanded what had often been promised, and what, on the immutable principles of freedom, was right. They did but remember the truths which Cromwell had professed, and had forgotten. Cromwell feared their influence ; and, finding the republican party too honest to become the dupes of his ambition, he induced such members of the parliament as were his creatures to resign, and scattered the rest with his troops. The public looked on with much indifference. This parliament, from the mode of its convocation, was unpopular ; the royalists, the army, and the Presbyterians, alike dreaded its activity. With it expired the last feeble hope of the republican party. The successful soldier, at once and openly, pleading the necessity of the moment, assumed supreme power, as the highest peace-officer in the realm.

Cromwell next attempted an alliance with the property of the country. Affecting contempt for the regicide republicans, who, as his accomplices in crime, could not forego his protection, he prepared to espouse the cause of the lawyers, the clergy, and the moneyed interest. Here, too, he was equally unsuccessful. The moneyed interest ¹⁶⁵⁴⁻ loves dominion for itself ; it submits reluctantly to ^{1655.} dominion ; and his second parliament, chosen on such principles of reform as rejected the rotten boroughs, and, limiting the elective franchise to men of considerable estate, made the house a fair representation of the wealth of the country, was equally animated by a spirit of stubborn defiance. The parliament first resisted the decisions of the council of Cromwell on the validity of its elections, next vindicated freedom of debate, and, at its third sitting, called in question the basis of Cromwell's authority. "Have we cut down tyranny in one person, and shall the nation be shackled by another?" cried a republican. "Hast thou, like Ahab, killed and taken possession?" exclaimed a royalist. At the opening of this parliament, Cromwell, hoping for a majority, declared "the meeting more precious to him than life." The majority favoured the Presbyterians, and secretly desired the restoration of the Stuarts. The protector dissolved them, saying, "The mighty things done among us are the revolutions of Christ himself ; to deny this, is to speak against God." How highly the public mind was excited by this abrupt act of

tyranny, is evident from what ensued. The dissolution of the parliament was followed by Penruddoc's insurrection.

A third and final effort could not be adventured till the nation had been propitiated by naval successes, and victories over Spain had excited and gratified the pride of Englishmen and the zeal of Protestants. "The Red Cross," said Cromwell's admirers, "rides on the sea without a rival; our ready sails have made a covenant with every wind; our oaks are as secure on the billows as when they were rooted in the forest: to others the ocean is but a road; to the English it is a dwelling-place."⁽¹⁾ The fleets of the protector returned rich with the spoils of Peru; and there were those who joined in adulation;—

"His conquering head has no more room for bays;
Let the rich ore forthwith be melted down,
And the state fixed by making him a crown;
With ermine clad and purple, let him hold
A royal sceptre, made of Spanish gold."

For a moment the question of a sovereign for England seemed but to relate to the Protector Cromwell and the army, or King Cromwell and the army; and, for the last time, Cromwell hoped, through a parliament, to reconcile his dominion to the English people, and to take a place in the line of English kings. For a season the majority was not unwilling; the scruples of the more honest among the timid he overcame by levity. Our oath, he would say, is not against the three letters that make the word REX. "Royalty is but a feather in a man's cap; let children enjoy their rattle."⁽²⁾ But here his ambition was destined to a disappointment; the Presbyterians, ever his opponents, found on this point allies in many officers of the army; and Owen,⁽³⁾ afterwards elected president of Harvard College, draughted for them a powerful and effectual remonstrance. In view of his own elevation, Cromwell had established an upper house; its future members to be nominated by the protector, yet in concurrence with the peers. But the wealth of the ancient hereditary nobility continued; its splendour was not yet forgotten; the new peerage, exposed to the contrast, excited ridicule without giving strength to Cromwell; the House of Commons continually spurned at their power, and
1558. controverted their title. This last parliament was also dissolved. Unless Cromwell could exterminate the

(1) Waller, *Of a War with Spain*, verses 23—30.

(2) Ludlow, 223.

(3) Ludlow, 224.

Catholics, convert the inflexible Presbyterians, chill the loyalty of the royalists, and corrupt the judgment of the republicans, he never could hope the cheerful consent of the British nation to the permanence of his government. He had not even a party, except of personal friends, and his government was well understood to be co-extensive only with his life. It was essentially a state of transition. He did not connect himself with the revolution, for he put himself above it, and controlled it; nor with the monarchy, for he was an active promoter of the execution of Charles; nor with the Church, for he subverted it; nor with the Presbyterians, for he barely tolerated their worship, without gratifying their ambition. He rested on himself; his own genius and his own personal resources were the basis of his power. Having subdued the revolution, there was no firm obstacle but himself to the restoration of the Stuarts, and his death was necessarily a signal for new revolutions.

The accession of Richard met with no instant opposition; for the tranquillity of expectation preceded the impending change. Like his father, he had no party in the nation; unlike his father, he had no capacity for public affairs. The restoration of the Stuarts was already resolved upon by the people of England. Richard convoked a parliament only to dissolve it; he could not control the army, and he could not govern England without the army. Involved in perplexities, he resigned. His accession had changed nothing; his abdication changed nothing; content to be the scoff of the proud, he had wisely acted upon the consciousness of his incompetency, and, in the bosom of private life, remote from wars, from ambition, from power, he lived to extreme old age in the serene enjoyment of tranquil affections, and of a gentle and modest temper. English politics went forward in their course.

The council of officers, the revival of the "interrupted" Long Parliament, the intrigues of Fleetwood and Desborough, the transient elevation of Lambert, were but a series of unsuccessful attempts to defeat the wishes of the people. Every new effort was soon a failure; and each successive failure did but expose the enemies of royalty to increased indignation and contempt. In vain did Milton forebode that, "of all governments, that of a restored king is the worst;" nothing could long delay the restoration. The fanaticism which had made the revolution, had burnt

out, and was now a spent volcano. Among the possible combinations of human character, is that of an obstinate and almost apathetic courage, a sluggish temperament, a narrowness of mind, and yet a very accurate, though a mean-spirited judgment, which, "like a two-foot rule," measures great things as well as small, not rapidly, but with equal indifference and precision. Such a man was Monk, soon to be famous in American annals, from whose title, as duke of Albemarle, Virginia named one of her most beautiful counties, and Carolina her broadest bay. Sir William Coventry, no mean judge of men, esteemed him a drudge; Lord Sandwich sneered at him plainly as a thick-skulled fool; and the more courteous Pepys paints him as "a heavy, dull man, who will not hinder business, and cannot aid it." He was precisely the man demanded by the crisis. When Monk marched his army from Scotland into England, he was only the instrument of the restoration, not its author. Originally a soldier of fortune in the army of the royalists, he had deserted his party, served against Charles I., and readily offered to Cromwell his support. He had no adequate conceptions of the nature or the value of liberty, was no statesman, and was destitute of true dignity of character. Incapable of laying among the wrecks of the English constitution the foundations of a new creation of civil liberty, he only took advantage of circumstances to make his own fortune, and gratify his vain passion for rank and place. He cared nothing for England, he cared only for himself; and therefore he made no terms for his country, but only for himself. He was not the cause of the restoration; he did but hold the Presbyterians in check, and, prodigal of perjuries to the last, he prevented the adoption of any treaty or binding compact between the returning monarch and the people.

Yet the want of such a compact could not alarm the determined enthusiasm of the people of England. All classes sighed for the restoration of monarchy, as the only effectual guarantee of peace. The Presbyterians, like repentant sinners at the confessional, hoping to gain favour by an early and effectual union with the royalists, contented themselves with a vague belief that the martyrdoms of Dunbar would never be forgotten; misfortunes and the fate of Charles I. were taken as sureties that Charles II. had learned moderation in the school of exile and sorrow;

and his return could have nothing humiliating for the English people, for it was the nation itself that recalled its sovereign. Every party that had opposed the dynasty of the Stuarts, had failed in the attempt to give England a government; the constitutional royalists, the Presbyterians, the Independents, the Long Parliament, the army, had all in their turn been unsuccessful: the English, preserving a latent zeal for their ancient liberties, were yet at the time inflamed and carried away with a passionate desire of their ancient king. The Long Parliament is re-assembled; the Presbyterians, expelled before the trial of Charles, resume their seats; and the parliament is dissolved, to be succeeded by a new assembly. The king's return is at hand. They who had been its latest advocates, now endeavour to throw oblivion on their hesitancy by the excess of loyalty; men vie with one another in the display of zeal for the restoration; no one is disposed to gain the certain ill-will of the monarch by proposing conditions which might not be seconded; men forget their country in their zeal for the king; they forget liberty in their eagerness to advance their fortunes; a vague proclamation on the part of Charles II., promising a general amnesty, fidelity to the Protestant religion, regard for tender consciences, and respect for the English laws, was the only pledge from the sovereign. And now, after twenty years of storms, the light of peace dawns in the horizon. All England was in ecstasy. Groups of royalists gathered round buckets of wine in the streets, and drank the king's health on their knees. The bells in every steeple rung merry peals; the bonfires round London were so numerous and so brilliant, that the city seemed encircled with a halo;(1) and under a clear sky, with a favouring wind, the path of the exiled monarch homewards to the kingdom of his fathers, is serene and unruffled; as he landed on the soil of England, he was received by infinite
 1660. crowds with all imaginable love. The shouting and general joy were past imagination.(2) On the journey from Dover to London, the hillocks all the way were covered with people; the trees were filled;(3) and such was the prodigality of flowers from maidens, such the acclamations from throngs of men, the whole kingdom seemed gathered along the road-sides. The companies of

(1) Pepys, i. 15, 18.

(2) Pepys.

(3) Gumble's Life of Monck, 336.

the city welcomed the king with loud thanks to God for his presence;(1) and he advanced to Whitehall through serried ranks of admiring citizens. All hearts were open; and on the evening of his arrival in the capital of his kingdom, he employed the enthusiasm of the time to debauch a beautiful woman of nineteen, the wife of one of his subjects.

In the midst of the universal gladness, the triumph of the royalist party was undisputed. The arms of the commonwealth, and the emblems of republicanism, were defaced and burned with every expression of hatred and scorn. The democratic party, which Cromwell had subdued, was now politically extinct; its adherents sought obscurity among the crowd, while its leaders were obliged to hide themselves from the feverish excitement of popular anger. The melancholic inflexibility and the self-denying austerity of republicanism were out of vogue; levity and licentiousness now came in fashion. Every party that had opposed royalty, had, in the eagerness of political strife, failed to establish a government on a permanent basis. England remembered, that, under its monarchs, it had elected parliaments, enjoyed the trial by jury, and prospered in affluent tranquillity. Except in New England, royalty was now alone in favour. The republican party in England was fallen into extreme unpopularity; the democratic revolution had been an entire failure, but that, with all its faults, its wildness, and its extravagance, it set in motion the valuable ideas of popular liberty which the experience of happier ages was to devise ways of introducing into the political life of the nation. We shall presently see that the excessive loyalty of the moment, too precipitate in the restoration, doomed the country to an arduous struggle, and the necessity of a new revolution.

The immediate effects of the restoration were saddened by the bitterness of revenge. All the regicides that were seized would have perished, but for Charles II., whom good nature led at last to exclaim, "I am tired of hanging, except for new offences." All haste was, however, made to despatch, at least, half a score, as if to appease the shade of Charles I.; and among the selected victims was Hugh Peters, once the minister of Salem, the father-

(1) Clarendon, iii. 772.

in-law of the younger Winthrop; (1) one whom Roger Williams honoured and loved, and whom Milton is supposed to include among

“Men whose life, learning, faith, and pure intent,
Would have been held in high esteem with Paul.”

As a preacher, his homely energy resembled the eloquence of Latimer and the earlier divines; in Salem he won general affection; he was ever zealous to advance the interests and quicken the industry of New England, and had assisted in founding the earliest college. His was the fanaticism of an ill-balanced mind, mastered by great ideas, which it imperfectly comprehends; and therefore he repelled monarchy and episcopacy with excited passion. Though he was not himself a regicide, his zeal made him virtually an accomplice, by his influence over others. (2) He could not consider consequences, and zeal overwhelmed his judgment. Nor was he entirely free from that bigotry which refuses to extend the rights of humanity beyond its own altars; (3) he could thank God for the massacres of Cromwell in Ireland. (4) And yet benevolence was deeply fixed in his heart; he ever advocated the rights of the feeble, and pleaded for the sufferings of the poor. Of his whole career it was said, that “many godly in New England dared not condemn what Hugh Peters had done.” (5) His arraignment, his trial, and his execution, were scenes of wanton injustice. He was allowed no counsel; and, indeed, his death had been resolved upon beforehand, though even false witnesses did not substantiate the specific charges urged against him. His last thoughts reverted to Massachusetts. “Go home to New England, and trust God there;” it was his final counsel to his daughter. At the gallows, he was compelled to wait while the body of his friend Cooke, who had just been hanged, was cut down and quartered before his eyes. “How like you this?” cried the executioner, rubbing his bloody hands. “I thank God,” replied the martyr, “I am not terrified at it; you may do your worst.” To his friends he said, “Weep not for me; my

(1) R. Williams to J. Winthrop, jun., in Knowles, 310: “You were the son of two noble fathers. Surely I did ever, from my soul, honour and love them.”

(2) Evelyn's Memoirs, ii. 3.

(3) Trial of Anne Hutchinson.

(4) Whitelocke, 428: “Drogheda is taken, 3,552 of the enemy slain. Ashton killed; none spared. I came now from giving thanks in the great church.”

(5) Crown, in Chalmers, 264.

heart is full of comfort;" and he smiled as he made himself ready to leave the world. Even death could not save him from his enemies; the bias of party corrupts the judgment, and cruelty justified itself by defaming its victim.(1) So perished a freeman of Massachusetts; the first who lost his life for opposition to monarchy. The blood of Massachusetts was destined to flow freely on the field of battle for the same cause; the streams were first opened beneath the gallows.(2)

The regicides, who had at nearly the same time been condemned to death, did not abate their confidence in their cause. Alone against a nation, pride of character blended with religious fervour and political enthusiasm. Death under the horrid forms which a barbarous age had devised, and a barbarous jurisprudence still tolerated, they could meet with serenity, or with exultation. The voice within their breasts still approved what they had done; a better world seemed opening to receive them; and, as they ascended the scaffold, their undaunted composure and lofty resignation seemed to call on earth and heaven to witness how unjustly they suffered.

But it was not enough to punish the living; vengeance invaded the tombs. The corpses of Cromwell, Bradshaw, and Ireton, were, by the order of both houses of parliament, and with the approbation of the king, disinterred, dragged on hurdles to Tyburn, and regularly hanged at the three corners of the gallows. In the evening, the same bodies were cut down and beheaded, amidst the exulting merriment of the Cavaliers. Such is revenge!

Of the judges of King Charles I., three escaped to America. Edward Whalley, who had first won laurels in the field of Naseby, had ever enjoyed the confidence of Cromwell, and remained to the last an enemy to the Stuarts, and a friend to the interests of the Independents,—and William Goffe, a firm friend to the family of Cromwell,(3) a good soldier, and an ardent partisan, but ignorant of the true principles of freedom,—arrived in

(1) The story that he died drunk, is a foolish calumny, reflecting discredit only on those who could propagate it. Charles I. drank wine before his execution, for fear of trembling. South is extravagant, Burnet, i. 226, could have heard only the accounts of his enemies, which were caricatures.

(2) See a favourable view of Peters in Upham's *Second Century Lecture* at Salem, 13—27, and *Postscript*. So, too, Felt's *Annals of Salem*, 132—151. Bentley, in *Mass. Hist. Coll.* vi. 250—254. *London Monthly Repository*, xiv. 525 and 602. Opposite opinions in nearly all the royalist writers.

(3) Burton's *Diary*, i. 361.

Boston, where Endicott, the governor, received them with courtesy. For nearly a year, they resided unmolested within the limits of Massachusetts, holding meetings in every house, where they preached and prayed, and gained universal applause. When warrants arrived from 1661. England for their apprehension, they fled across the country to New Haven, where it was esteemed a crime against God to bewray the wanderer or give up the outcast. Yet such diligent search was made for them, that they never were in security. For a time they removed in secrecy from house to house; sometimes concealed themselves in a mill, sometimes in clefts of the rocks by the seaside; and for weeks together, and even for months, they dwelt in a cave in the forest. Great rewards were offered for their apprehension; Indians as well as English were urged to scour the woods in quest of their hiding-place, as men hunt for the holes of foxes. When the zeal of the search was nearly over, they retired to a little village on the Sound; till at last they escaped by night to an appointed place of refuge in Hadley, and the solitudes of the most beautiful valley of New England gave shelter to their wearisome and repining age.(1)

John Dixwell was more fortunate. He was able to live undiscovered, and, changing his name, was absorbed among the inhabitants of New Haven. He married, and lived peacefully and happily. The History of the World, which Raleigh had written in imprisonment, with the sentence of death hanging over his head, was the favourite study of the man whom the laws of England had condemned to the gallows; and he ever retained a firm belief that the spirit of English liberty would demand a new revolution, which was achieved in England a few months before his end, and of which the earliest rumours may have reached his death-bed.(2)

Three of the regicides, who had escaped to Holland, found themselves, in the territory of a free and independent state,(3) less securely sheltered than their 1662. colleagues in the secret places of a dependent colony.

(1) Stiles, in c. iii. of his History of Three of the Judges of Charles I., has collected the materials on this subject. Papers relating to it may be found in the Dutch records. What need of referring to Hutch. Hist. vol. i., to the papers in Hutch. Coll., to Crown's deposition, in Chalmers, 263, 264?

(2) Dixwell died March 18, 1689, aged 81.

(3) The story in Pepys, ii. 149, 150, 4to. ed., is very unfavourable to De Witt.

They were apprehended in Holland, surrendered by the States, and executed in England.

Retributive justice, thought many, required the execution of regicides. One victim was selected for his genius and integrity; such was the terror inspired by their influence. Now that all England was carried away with eagerness for monarchy, Sir Henry Vane, the former governor of Massachusetts, the benefactor of Rhode Island, the ever-faithful friend of New England, adhered with undaunted firmness to "the glorious cause" of popular liberty; and, shunned by every man who courted the returning monarch, he became noted for the most "Catholic" unpopularity.(1) He fell from the affections of the English people, when the English people fell from the jealous care of their liberties. He had ever been incorrupt and disinterested, merciful and liberal. When Unitarianism was persecuted, not as a sect, but as a blasphemy, Vane interceded for its advocate;(2) he pleaded for the liberty of Quakers imprisoned for their opinions;(3) as a legislator, he demanded justice in behalf of the Roman Catholics; he resisted the sale of Penruddock's men into slavery, as an aggression on the rights of man. The immense emoluments of his office as treasurer of the navy he voluntarily resigned.(4) When the Presbyterians, though his adversaries, were forcibly excluded from the House of Commons, he also absented himself.(5) When the monarchy was overthrown, and a commonwealth attempted, Vane reluctantly filled a seat in the council; and, resuming his place as a legislator, amidst the floating wrecks of the English constitution, he clung to the existing parliament as to the only fragment on which it was possible to rescue English liberty. His energy gave to the English navy its efficient organization; if England could cope with Holland on the sea, the glory of preparation is Vane's. His labours in that remnant of a parliament were immediately turned to the purification of liberty in its sources; and he is believed to have anticipated every great principle of the modern Reform Bill. He steadily resisted the usurpation of Cromwell; as he had a right to esteem the sorrows of his country his private sorrows, he declared it "no small grief, that the evil

(1) Maidston to Winthrop.

(3) Sewell, 191.

(5) See Vane's Speeches, in Burton.

(2) Godwin, iii. 511.

(4) Macauley, v. 99.

and wretched principles of absolute monarchy should be revived by men professing godliness;" and Cromwell, unable to intimidate him, confined him to Carisbrook Castle. Both Cromwell and Vane were unsuccessful statesmen; the first desired to secure the government of England to his family; the other, to vindicate it for the people.

The Convention Parliament had excepted Vane from the indemnity, on the king's promise that he should not suffer death. It was now resolved to bring him to trial; and he turned his trial into a triumph. Though "before supposed to be a timorous man,"(1) he appeared before his judges with animated fearlessness. Instead of offering apologies for his career, he denied the imputation of treason with settled scorn, defended the right of Englishmen to be governed by successive representatives, and took glory to himself for actions which promoted the good of England, and were sanctioned by parliament, as the virtual sovereign of the realm. He spoke not for his life and estate, but for the honour of the martyrs to liberty that were in their graves, for the liberties of England, for the interest "of all posterity in time to come." He had asked for counsel. "Who," cried the solicitor, "will dare to speak for you, unless you can call down from the gibbet the heads of your fellow-traitors?" "I stand single," said Vane; "yet, being thus left alone, I am not afraid, in this great presence, to bear my witness to the glorious cause, nor to seal it with my blood." Such true magnanimity stimulated the vengeance of his enemies; "they clamoured for his life." "Certainly," wrote the king, "Sir Henry Vane is too dangerous a man to let live, if we can honestly put him out of the way."(2) It was found he could not honestly be put out of the way; but still, the solicitor urged, "he must be made a sacrifice." "We know what to do with him," said the king's counsel.(3)

The day before his execution, his friends were admitted to his prison; and he cheered their drooping spirits by his own serene intrepidity, reasoning calmly on death and immortality. He reviewed his political career, from the day when he defended Anne Hutchinson, to his last

(1) Calamy's Abridgment, 99, 100. Burnet, i. 223. "He was naturally a very fearful man." Hume, c. lxiii.

(2) The letter, in Hallam, ii. 443.

(3) The Trial of Sir Henry Vane, 73, 55.

struggle for English liberties, and could say, "I have not the least recoil in my heart as to matter or manner of what I have done." A friend spoke of prayer, that for the present the cup of death might be averted. "Why should we fear death?" answered Vane; "I find it rather shrinks from me, than I from it." His children gathered round him, and he stooped to embrace them, mingling consolation with kisses. "The Lord will be a better father to you." "Be not you troubled, for I am going home to my Father." And his farewell counsel was, "Suffer anything from men rather than sin against God." When his family had withdrawn, he declared his life to be willingly offered to confirm the wavering, and convince the ignorant. The cause of popular liberty still seemed to him a glorious cause. "I leave my life as a seal to the justness of that quarrel. Ten thousand deaths, rather than defile the chastity of my conscience; nor would I, for ten thousand worlds, resign the peace and satisfaction I have in my heart."

The plebeian Hugh Peters had been hanged; Sir Henry Vane was to suffer on the block. The same cheerful resignation animated him on the day of his execution. As the procession moved through the streets, men from the windows and tops of houses expressed their sorrow, pouring out prayers for him as he passed by; and the people shouted aloud, "God go with you." Arrived on the scaffold, he was observable above all others by the intrepidity of his demeanour. Surveying the vast surrounding multitude with composure, he addressed them, and sought to awaken in their souls the love of English liberty. His voice was overpowered with trumpets: finding he could not bear an audible testimony to his principles, he was not in the least disconcerted by the rudeness, but, in the serenity of his manner, continued to show with what calmness an honest patriot could die. With unbroken trust in Providence, he believed in the progress of civilization; and while he reminded those around him, that "he had foretold the dark clouds which were coming thicker and thicker for a season," it was still "most clear to the eye of his faith," that a better day would dawn in the clouds. "Blessed be God," exclaimed he, as he bared his neck for the axe, "I have kept a conscience void of offence to this day, and have not deserted the righteous cause for which I suffer." That righteous cause was demo-

cratic liberty ; in the history of the world, he was the first martyr to the principle of the paramount power of the people ; and, as he had predicted, " his blood gained a voice to speak his innocence." The manner of his death was the admiration of his times.

Puritanism, with the sects to which it gave birth, ceased to sway the destinies of England. The army of Cromwell had displayed its power in the field ; Milton, having shown the eloquence it could inspire, still lived to illustrate what poetry it could create, in works that are counted among the noblest productions of the human mind ; Vane proved how fearlessly it could bear testimony for liberty in the face of death ; New England is the monument of its power to establish free states. The ancient institutions of England would not yield to new popular establishments ; but the bloom of immortality belongs to the example of Vane, to the poetry of Milton, and, let us hope, to the institutions of New England.

To New England, the revolutions in the mother country were not indifferent ; the American colonies attracted the notice of the courts of justice in Westminster Hall. They were held, alike by the nature of the English constitution, and the principles of the common law, to be subordinate to the English parliament, and bound by its acts, whenever they were specially named in a statute, or were clearly embraced within its provisions. An issue was thus made between Massachusetts and England ; for that colony had, as we have seen, refused to be subject to the laws of parliament, and had remonstrated against such subjection, as " the loss of English liberty." The Long Parliament had conceded the justice of the remonstrance. The judges, on the restoration, decreed otherwise, and asserted the legislative supremacy of parliament over the colonies without restriction. Such was the established common law of England.(1)

1660. Immediately on the restoration of Charles II., the Convention Parliament(2) granted to the monarch a subsidy of twelve pence in the pound, that is, of five per cent., on all merchandise exported from, or imported into, the kingdom of England, or " any of his Majesty's domi-

(1) Freeman's Reports, 175 ; Modern Reports, iii. 159, 160 ; Vaughan's Reports, 170, 400 ; Modern Reports, iv. 225 ; Blackstone's Commentaries, i. 106—109.

(2) 12 Charles II. c. iv.

nions thereto belonging.”(1) Doubts arising, not whether the power of parliament was co-extensive with the English empire, but what territories the terms of the act included, they were interpreted to exclude “the dominions not of the crown of England.”(2) The tax was also never levied in the colonies; nor was it understood that the colonies were bound by a statute, unless they were expressly named.(3)

That distinctness was not wanting, when it was required by the interests of English merchants. The Navigation Act of the commonwealth had not been designed to trammel the commerce of the colonies; the Convention Parliament—the same body which betrayed the liberties of England, by restoring the Stuarts without conditions—now, by the most memorable statute(4) in the English maritime code, connected in one act the protection of English shipping, and a monopoly to the English merchant of the trade with the colonies. In the reign of Richard II.,(5) the commerce of English ports had been secured to English shipping: the Act of Navigation of 1651 had done no more; and against it the colonists made no serious objection. The present act renewed the same provisions, and further avowed the design of sacrificing the natural rights of the colonists to English interests. “No merchandise shall be imported into the plantations but in English vessels, navigated by Englishmen, under penalty of forfeiture.” The harbours of the colonies were shut against the Dutch, and every foreign vessel.—America, as the asylum of the oppressed, invited emigrants from the most varied climes. It was now enacted, that none but native or naturalized subjects should become a merchant or factor in any English settlement; excluding the colonists from the benefits of a foreign competition.

American industry produced articles for exportation; but these articles were of two kinds. Some were produced in quantities only in America, and would not compete in the English market with English productions. These were enumerated; and it was declared that none of them, that is, no sugar, tobacco, ginger, indigo, cotton, fustic,

(1) Same expression in 2 Anne, c. ix.; 3 Anne, c. v.; and in 21 George II. c. ii. The expression does not include the colonies.

(2) Vaughan's Reports, 170. Compare Tyrwhit and Tyndale's Digest, xiii.—xv. Chalmers, p. 241, is not sustained in his inference.

(3) Blackstone, i. 107, 108; Chitty on Prerogative, 33.

(4) 12 Charles II. c. xviii.

(5) 5 Richard II. c. iii.

dyeing woods, shall be transported to any other country than those belonging to the crown of England, under penalty of forfeiture; and as new articles of industry of this class grew up in America, they were added to the list. But such other commodities as the English merchant might not find convenient to buy, the American planter might ship to foreign markets; the farther off the better, (1) because they would thus interfere less with the trades which were carried on in England. The colonists were, therefore, by a clause in the Navigation Act, confined to ports south of Cape Finisterre.

Hardly had time enough elapsed for a voyage or two across the Atlantic, before it was found that the English merchant might derive still further advantages at the cost of the colonists, by the imposition of still further restraints.

1663. A new law (2) prohibited the importation of European commodities into the colonies, except in English ships from England, to the end that England might be made the staple, not only of colonial productions, but of colonial supplies. Thus the colonists were compelled to buy in England, not only all English manufactures, but everything else that they might need from any soil but their own.

The activity of the shipping of New England, which should only have excited admiration, excited envy in the minds of the English merchants. The produce of the plantations of the southern colonies was brought to New England, as a result of the little colonial exchanges. To the extravagant fears of mercantile avarice, New England was become a staple. (3) Parliament, (4) therefore, 1672. resolved to exclude New England merchants from competing with the English in the markets of the southern plantations; the liberty of free traffic between the colonies was accordingly taken away; and any of the enumerated commodities exported from one colony to another, were subjected to a duty equivalent to the duty on the consumption of these commodities in England.

By degrees, the avarice of English shopkeepers became bolder; and America was forbidden, by act of parliament, not merely to manufacture those articles which might compete with the English in foreign markets, but even to supply herself, by her own industry, with those articles which her

(1) Compare Adam Smith, b. iv. c. vii. p. iii.

(3) Chalmers, 262. See Hutch. Coll. 422.

(2) 15 Car. II. c. vii.

(4) 25 Car. II. c. vii.

position enabled her to manufacture with success for her own wants.(1)

Thus was the policy of Great Britain, with respect to her colonies, a system of monopoly, adopted after the example of Spain, and, for more than a century, inflexibly pursued, in no less than twenty-nine acts of parliament. The colonists were allowed to sell to foreigners only what England would not take; that so they might gain means to pay for the articles forced upon them by England. The commercial liberties of rising states were shackled by paper chains, and the principles of natural justice subjected to the fears and the covetousness of English shopkeepers.(2)

The effects of this system were baleful to the colonies. They could buy European and all foreign commodities only at the shops of the metropolis; and thus the merchant of the mother country could sell his goods for a little more than they were worth. England gained at the expense of America. The profit of the one was balanced by the loss of the other.

In the sale of their products the colonists were equally injured. The English, being the sole purchasers, could obtain those products at a little less than their fair value. The merchant of Bristol or London was made richer; the planter of Virginia or Maryland was made poorer. No new value was created; one lost what the other gained; and both parties had equal claims to the benevolence of the legislature.(3)

Thus the colonists were wronged, both in their purchases and in their sales; the law "cut them with a double edge." The English consumer gained nothing; for the surplus colonial produce was re-exported to other nations. The English merchant, and not the English people, profited by the injustice. The English people were sufferers. Not that the undue employment of wealth in the colonial trade occasioned an injurious scarcity in other branches of industry; for the increased productiveness of capital soon yielded a larger supply than ever for all kinds of business; just as a fortune doubles rapidly at a high rate of interest. But the Navigation Act involved the foreign policy of England in contradictions; she was herself a monopolist of her own colonial trade, and yet steadily aimed at en-

(1) For example, 5 Geo. II. c. xxii. § 7; and 23 Geo. II. c. xxix.

(2) Burke.

(3) Say, ii. 288, 289.

franchising the trade of the Spanish settlements. Hence arose a set of relations which we shall find pregnant with consequences.

In the domestic policy of England, the act increased the tendency to unequal legislation. The English merchant having become the sole factor for American colonies, and the manufacturer claiming to supply colonial wants, the English landholder consented to uphold the artificial system only by sharing in its emoluments; and corn-laws began to be enacted, in order to secure the profits of capital applied to agriculture against the dangers of foreign competition. Thus the system which impoverished the Virginia planter, by lowering the price of his tobacco crop, oppressed the English labourer, by raising the price of his bread;(1) till at last a Whig ministry(2) could offer a bounty on the exportation of corn.

The law was still more injurious to England, from its influence on the connection between the colonies and the metropolis. Durable relations in society are correlative, and reciprocally beneficial. In this case, the statute was made by one party to bind the other, and was made on iniquitous principles. Established as the law of the strongest, it could endure no longer than the superiority in force. It converted commerce, which should be the bond of peace, into a source of rankling hostility, and scattered the certain seeds of a civil war. The Navigation Act contained a pledge of the ultimate independence of America.

To the colonists, the Navigation Act was, at the time, an unmitigated evil; for the prohibition(3) of planting tobacco in England and Ireland was a useless mockery.

As a mode of taxing the colonies, the monopoly was a failure; the contribution was made to the pocket of the merchant, not to the treasury of the metropolis.

The usual excuse for colonial restrictions is founded on the principle that colonies were established at the cost of the mother country for that very purpose.(4) In the case of the American colonies, the apology cannot be urged. The state founded none of them. The colonists escaped from the mother country, and had, at their own cost, and by their own toil, made for themselves dwellings in the New World. Virginia was founded by a private com-

(1) 22 Car. II. c. xiii.

(2) 1 William and Mary.

(3) 12 Car. II. c. xxxiv. Compare Chalmers, 243.

(4) Montesquieu, l. xxi. c. xxi.

pany; New England was the home of exiles. England first thrust them out; and she owned them as her children only to oppress them!

Again, it was said that the commercial losses of the colonists were compensated by protection. But the connection with Europe was fraught only with danger; for the rivalry of European nations did but transfer the scenes of their bloody feuds to the wilds of America.

The monopoly, it must be allowed, was of the least injurious kind. It was conceded, not to an individual, nor to a company, nor to a single city, but was open to the competition of all Englishmen.(1)

The history of the Navigation Act would be incomplete, were it not added, that, whatever party obtained a majority, it never, till the colonies gained great strength, occurred to the British parliament that the legislation was a wrong. Bigotry is not exclusively a passion of religious superstition. Its root is in the human heart, and it is reproduced in every age. Blinding the intellectual eye, and comprehending no passion but its own, it is the passionate and partial defence of an existing interest. The Antonines of Rome, or, not to go beyond English history, Elizabeth and Charles I., did not question the divine right of absolute power. "Were Nero in power," said Cromwell himself, when Protector, "it would be a duty to submit." When Laud was arraigned, "Can any one believe me a traitor?" exclaimed the astonished prelate, with real surprise. The Cavaliers, in the civil war, did not doubt the sanctity of the privileges of birth; and now the English parliament, as the instrument of mercantile avarice, had no scruple in commencing the legislation, which, when the colonists grew powerful, was, by the greatest British economist, declared to be "a manifest violation of the rights of mankind." (2)

Such was the disposition of the English parliament towards the colonies; the changes in their internal constitutions were to depend on the personal character of the monarch whom England had taken into favour.

The tall and swarthy grandson of Henry IV. of France, was naturally possessed of a disposition which, had he preserved purity of morals, had made him one of the most amiable of men. It was his misfortune, in very early life, to have become thoroughly debauched in mind and heart;

(1) 6 Anne, c. xxxvii.

(2) Smith's Wealth of Nations.

and adversity, usually the rugged nurse of virtue, made the selfish libertine but the more reckless in his profligacy. He did not merely indulge his passions; his neck bowed to the yoke of lewdness. He was attached to women, not from love, for he had no jealousy, and was regardless of infidelities; nor entirely from debauch, but from the pleasure of living near them, and sauntering in their company. His delight—such is the record of the royalist Evelyn—was in “concubines, and cattle of that sort;” and up to the last week of his life, he spent his time in dissoluteness, toying with his mistresses, and listening to love-songs.(1) If decision ever broke through his abject vices, it was but a momentary flash; a life of pleasure sapped his moral courage, and left him imbecile, fit only to be the tool of courtiers, and the dupe of mistresses. Did the English Commons impeach Clarendon? Charles II. could think of nothing but how to get the Duchess of Richmond to court again. Was the Dutch war signalized by disasters? “The king did still follow his women as much as ever;” and took more pains to reconcile the chambermaids of Lady Castlemaine, or make friends of the rival beauties of his court, than to save his kingdom. He was “governed by his lust, and the women, and the rogues about him.”

The natural abilities of Charles II. were probably over-rated. He was incapable of a strong purpose or steady application. He read imperfectly and ill.(2) When drunk, he was a silly, good-natured, subservient fool.(3) In the council of state, he played with his dog, never minding the business, or making a speech, memorable only for its silliness;(4) and if he visited the naval magazines, “his talk was equally idle and frothy.”(5)

The best trait in his character was his natural kindliness. Yet his benevolence was in part a weakness; his bounty was that of facility; and his placable temper, incapable of strong revenge, was equally incapable of affection. He so loved his present tranquillity, that he signed the death-warrants of innocent men, rather than risk disquiet; but of himself he was merciful, and was reluctant to hang any but republicans. His love of placid enjoyments and of ease continued to the end. On the last morning of his life, he bade his attendants open the curtains of his bed, and the windows of his bed-chamber, that he might once

(1) Evelyn.

(2) Pepys, i. 243.

(3) Ibid. ii. 130.

(4) Ibid. li. 123, 130.

(5) Ibid. i. 243.

more see the sun.(1) He desired absolution; "For God's sake, send for a Catholic priest;" but checked himself, adding, "it may expose the Duke of York to danger."(2) He pardoned all his enemies, no doubt sincerely. The queen sent to beg forgiveness for any offences. "Alas, poor woman, she beg my pardon!" he replied; "I beg hers with all my heart; take back to her that answer."(3) He expressed some regard for his brother, his children, his mistresses. "Do not leave poor Nelly Gwyn to starve," was almost his last commission.(4)

Such was the lewd king of England, on whose favour depended the liberties of the New England colonies, where lewdness was held a crime, and adultery inexorably punished by death on the gallows.

Massachusetts, strong in its charter, made no haste^{1660.} to present itself in England as a suppliant. "The colony of Boston," wrote Stuyvesant,(5) "remains constant to its old maxims of a free state, dependent on none but God." Had the king resolved on sending them a governor, the several towns and churches throughout the whole country were resolved to oppose him.(6)

The colonies of Plymouth, of Hartford, and New Haven, not less than of Rhode Island, proclaimed the new king, and acted in his name;(7) and the rising republic on the Connecticut appeared in London by its representative, the younger Winthrop, who went, as it were, between the mangled limbs of his father-in-law, to insure the welfare of his fellow-exiles in the west. They had purchased their

lands of the assigns of the Earl of Warwick, and from^{1661.} Uncas they had bought the territory of the Mohegans; and the news of the restoration awakened a desire for a patent. But the little colony proceeded warily; they draughted among themselves the instrument which they desired the king to ratify; and they could plead for their possessions their rights by purchase, by conquest from the Pequods, and by their own labour, which had redeemed

(1) Barillon, in Dalrymple, App. to p. i. b. i. Compare James II. Memoirs, i. 746; Evelyn, iii. 130, 131.

(2) James II. Memoirs, i. 747.

(3) Dalrymple, book i. p. 66.

(4) Burnet, ii. 284. So, too, Evelyn, iii. 132.

(5) Albany Records, xviii. 124, October 6, 1660.

(6) Hutch. Coll. 339; Belknap, 437.

(7) "Quantum mutatus ab illo Hectore," adds Stuyvesant, who was very fond of a Latin quotation. There was, however, no change in the political principles of New England, which never was regicide. Albany Records, xviii. 123.

the wilderness. A letter was also addressed from Connecticut to the aged Lord Say and Seal,(1) the early friend of the emigrants, and now, on the restoration, while it was yet the royal policy to conciliate the Presbyterians, a favoured officer of the crown. By the memory of past benefits, and the promise of grateful regard, they request his influence to obtain for them a guarantee for their liberties.

The venerable man, too aged for active exertion, secured for his clients the kind offices of the lord chamberlain, the Earl of Manchester, a man "of an obliging temper, universally beloved, being of a virtuous and generous mind." (2) "Indeed he was a noble and a worthy lord, and one that loved the godly." "He and Lord Say did join together, that their godly friends in New England might enjoy their just rights and liberties."

But the chief happiness of Connecticut was in the selection of its agent. In the younger Winthrop, the qualities of human excellence were mingled in such happy proportions, that, while he always wore an air of contentment, no enterprise in which he engaged seemed too lofty for his powers. Even as a child, he had been the pride of his father's house; he had received the best instruction which Cambridge and Dublin could afford; and had perfected his education by visiting, in part at least, in the public service, not Holland and France only, in the days of Prince Maurice and Richelieu, but Venice and Constantinople.(3) From boyhood his manners had been spotless; and the purity of his soul added lustre and beauty to the gifts of nature and industry;(4) as he travelled through Europe, he sought the society of men eminent for learning. Returning to England in the bloom of life, with every promise of preferment which genius, gentleness of temper, and influence at court, could inspire, he preferred to follow his father to the new world; regarding "diversities of countries but as so many inns," alike conducting to "the journey's end." (5) When his father, the father of Massachusetts, became impoverished by his expenses in planting the colony, the pious son, unsolicited and without recompense, relinquished his large inheritance, that "it might be spent in furthering the great

(1) See Trumbull, i. App. vii. viii. ix.

(2) Burnet, i. 134.

(3) Winthrop, i. 348 and 354; Mather, b. ii. c. xi.

(4) Ibid. i. 341.

(5) His letter, in Winthrop, i. 359.

work"(1) in Massachusetts; himself, single-handed and without wealth, engaging in the enterprise of planting Connecticut. Care for posterity seemed the motive to his actions.(2) His vast and elevated mind had, moreover, that largeness, that he respected learning, and virtue, and genius, in whatever sect they might be found. No narrow bigotry limited his affections or his esteem; and when Quakers had become the objects of persecution, he was earnest and unremitting in argument and entreaty, to prevent the effusion of blood.(3) Master over his own mind, he never regretted the brilliant prospects he had resigned, nor complained of the comparative solitude of New London; a large library(4) furnished employment to his mind; the study of nature, according to the principles of the philosophy of Bacon, was his delight; for "he had a gift in understanding and art;" and his home was endeared by a happy marriage, and "many sweet children." His knowledge of human nature was as remarkable as his virtues. He never attempted impracticable things; but, understanding the springs of action, and the principles that control affairs, he calmly and noiselessly succeeded in all that he undertook. The New World was full of his praises; Puritans, and Quakers, and the freemen of Rhode Island,(5) were alike his eulogists; the Dutch at New York, not less than all New England, had confidence in his integrity;(6) Clarendon(7) and Milton, Newton and Robert Boyle,(8) became his correspondents. If he had faults, they are forgotten. In history he appears, by unanimous consent,(9) from early life, without a blemish; and it is the beautiful testimony of his own father, that "God gave him favour in the eyes of all with whom he had to do." In his interview with Charles II., there is reason to believe he was able to in-

(1) Mather, b. ii. c. xi. Winthrop's will, in Winthrop, ii. 360.

(2) "And zealous care for their posteritie, Of all his acts, the primum mobile." Wolcott.

(3) Bishop's N. E. Judged: "Did not John Winthrope, the Governor of the jurisdiction of Connecticote, labour with you, that ye would not put them to death? And did he not say unto you, that he would beg it of you on his bare knees, that ye would not do it?" (p. 157).

(4) Winthrop, ii. 20.

(5) Roger Williams's Letters, in Knowles.

(6) Albany Records, iv. 405, and xviii. 188, 189.

(7) MSS. in my possession.

(8) "Mr. Winthrop, my particular acquaintance." R. Boyle's letter, in Mass. Hist. Coll. xviii. 49. Dedication of vol. xl. of the Transactions of the Royal Society.

(9) Thurloe, i. 763: "A person of signal worth, as all reports present."

spire that naturally benevolent monarch with curiosity ; perhaps he amused him with accounts of Indian warfare, and descriptions of the marvels of a virgin world. A favourable recollection of Charles I., who had been a friend to his father's father, and who gave to his family an hereditary claim on the Stuarts, was effectually revived. His personal merits, sympathy for his family, his exertions, the petition of the colony, and, as I believe, the real good-will of Clarendon,—for we must not reject all faith in generous feeling,—easily prevailed to obtain for 1662. Connecticut an ample patent. The courtiers of King Charles, who themselves had an eye to possessions in America, suggested no limitations ; and perhaps it was believed that Connecticut would serve to balance the power of Massachusetts.

The charter, disregarding the hesitancy of New Haven, the rights of the colony of New Belgium, and the claims of Spain on the Pacific, connected New Haven with Hartford in one colony, of which the limits were extended from the Narragansett River to the Pacific Ocean. How strange is the connection of events ! Winthrop not only secured to his state a peaceful century of colonial existence, but prepared the claim for western lands. Under his wise direction, the careless benevolence of Charles II. provided in advance the school fund of Connecticut.

With regard to powers of government, the charter was still more extraordinary. It conferred on the colonists unqualified power to govern themselves. They were allowed to elect all their own officers, to enact their own laws, to administer justice without appeals to England, to inflict punishments, to confer pardons, and, in a word, to exercise every power, deliberative and active. The king, far from reserving a negative on the acts of the colony, did not even require that the laws should be transmitted for his inspection ; and no provision was made for the interference of the English government in any event whatever. Connecticut was independent except in name. Charles II. and Clarendon thought they had created a close corporation, and they had really sanctioned a democracy. To the younger Winthrop, probably because he had preserved a loyal spirit in Connecticut, Charles II. had written, " the world shall take notice of the sense I have of your kindness, and how great an instrument you have been in pro-

moting the happiness of your country ;”(1) and the disinterested man asked favours only for the community of which he was a member.

After his successful negotiations, and efficient concert in founding the Royal Society, Winthrop returned to America, bringing with him a name which England honoured, and which his country should never forget, and resumed his tranquil life in rural retirement. The amalgamation of the two colonies could not be effected without collision ; and New Haven had been unwilling to merge itself in the larger colony ; the wise moderation of Winthrop was able to reconcile the jarrings, and blend the interests of the united colonies. The universal approbation of Connecticut followed him throughout all the remainder of his life ; for twice seven years he continued to be annually elected to the office of her chief magistrate.(2)

And the gratitude of Connecticut was reasonable. The charter which Winthrop had obtained secured to her an existence of tranquillity which could not be surpassed. Civil freedom was safe under the shelter of masculine morality ; and beggary and crime could not thrive in the midst of severest manners. From the first, the minds of the yeomanry were kept active by the constant exercise of the elective franchise ; and, except under James II., there was no such thing in the land as an officer appointed by the English king. Connecticut, from the first, possessed unmixed popular liberty. The government was in honest and upright hands ; the little strifes of rivalry never became heated ; the magistrates were sometimes persons of no ordinary endowments ; but though gifts of learning and genius were valued, the state was content with virtue and single-mindedness ; and the public welfare never suffered at the hands of plain men. Roger Williams had ever been a welcome guest at Hartford ; and “that heavenly man, John Haynes,” would say to him, “I think, Mr. Williams, I must now confesse to you, that the most wise God hath provided and cut out this part of the

(1) MS. letter in my possession. Savage has printed and remarked on the letter, in a note on Winthrop, i. 126. Compare Maidston to Winthrop, in Thurloe, i. 763 ; and better in Mass. Hist. Coll. xxi. 185. The letter was communicated to me by T. L. Winthrop, of Boston, as addressed to the younger Winthrop.

(2) Compare further on the younger Winthrop, Savage, in Winthrop, i. 64, and 126 ; Elliot's Biog. Dict. ; Roger Wolcott, in Mass. Hist. Coll. iv. 262—298.

world as a refuge and receptacle for all sorts of consciences.”(1) There never existed a persecuting spirit (2) in Connecticut; while “it had a scholar to their minister in every town or village.” Education was cherished; religious knowledge was carried to the highest degree of finement, alike in its application to moral duties, and to the mysterious questions on the nature of God, of liberty, and of the soul. A hardy race multiplied along the alluvion of the streams, and subdued the more rocky and less inviting fields; its population for a century doubled once in twenty years, in spite of considerable emigration; and if, as has often been said, the ratio of the increase of population is the surest criterion of public happiness, Connecticut was long the happiest state in the world.(3) Religion united with the pursuits of agriculture to give to the land the aspect of salubrity. The domestic wars were discussions of knotty points in theology; the concerns of the parish, the merits of the minister, were the weightiest affairs; and a church reproof the heaviest calamity. The strifes of the parent country, though they sometimes occasioned a levy among the sons of the husbandmen, yet never brought an enemy within their borders; tranquillity was within their gates, and the peace of God within their hearts. No fears of midnight ruffians could disturb the sweetness of slumber; the best house required no fastening but a latch, lifted by a string; bolts and locks were unknown.

There was nothing morose in the Connecticut character. It was temperate industry enjoying the abundance which it had created. No great inequalities of condition excited envy, or raised political feuds; wealth could display itself only in a larger house and a fuller barn; and covetousness was satisfied by the tranquil succession of harvests. There was venison from the hills; salmon, in their season, not less than shad, from the rivers; and sugar from the trees of the forest. For a foreign market little was produced beside cattle; and in return for them but few foreign luxuries stole in. Even so late as 1713, the number of seamen did not exceed one hundred and twenty.(4) The soil had originally been justly divided, or held as common

(1) Mass. Hist. Coll. i. 280.

(2) So Douglas, ii. 135: “I never heard of any persecuting spirit in Connecticut; in this they are egregiously aspersed.”

(3) Trumbull, i. 451, gives the number of inhabitants at 17,000, in 1713. There were, probably, as many as 17,000, and more, in 1688.

(4) Ibid. i. 453.

property in trust for the public, and for new comers. Forestalling was successfully resisted; the brood of speculators in land inexorably turned aside. Happiness was enjoyed unconsciously; beneath the rugged exterior, humanity wore its sweetest smile. There was for a long time hardly a lawyer in the land. The husbandman who held his own plough, and fed his own cattle, was the great man of the age; no one was superior to the matron, who, with her busy daughters, kept the hum of the wheel incessantly alive, spinning and weaving every article of their dress. Fashion was confined within narrow limits; and pride, which aimed at no grander equipage than a pillion, could exult only in the common splendour of the blue and white linen gown, with short sleeves, coming down to the waist, and in the snow-white flaxen apron, which, primly starched and ironed, was worn on public days by every woman in the land. For there was no revolution except from the time of sowing to the time of reaping; from the plain dress of the week day to the more trim attire of Sunday.

Every family was taught to look upward to God, as to the fountain of all good. Yet life was not sombre. The spirit of frolic mingled with innocence; religion itself sometimes wore the garb of gaiety; and the annual thanksgiving to God was, from primitive times, as joyous as it was sincere. Nature always asserts her rights, and abounds in means of gladness.

The frugality of private life had its influence on public expenditure. Half a century after the concession of the charter, the annual expenses of the government did not exceed eight hundred pounds, or four thousand dollars; and the wages of the chief justice were ten shillings a day while on service. In each county a magistrate acted as judge of probate, and the business was transacted with small expense to the fatherless.(1)

Education was always esteemed a concern of deepest interest, and there were common schools from the first. Nor was it long before a small college, such as the day of small things permitted, began to be established; and Yale owes its birth "to ten worthy fathers, who, in 1700, assembled at Branford, and each one, laying a few volumes on a table, said, 'I give these books for the founding of a college in this colony.'"

But the political education of the people is due to the

(1) Trumbull, i. 452, 453.

happy organization of towns, which here, as indeed throughout all New England, constituted each separate settlement a little democracy of itself. It was the natural reproduction of the system, which the instinct of humanity had imperfectly revealed to our Anglo-Saxon ancestors. In the ancient republics, citizenship had been an hereditary privilege. In Connecticut, citizenship was acquired by inhabitancy, was lost by removal. Each town-meeting was a little legislature, and all inhabitants, the affluent and the more needy, the wise and the foolish, were members with equal franchises. There the taxes of the town were discussed and levied; there the village officers were chosen; there roads were laid out, and bridges voted; there the minister was elected, the representatives to the assembly were instructed. The debate was open to all; wisdom asked no favours; the churl abated nothing of his pretensions. Whoever reads the records of these village democracies, will be perpetually coming upon some little document of political wisdom, which breathes the freshness of rural legislation, and wins a disproportioned interest from the justice and simplicity of the times. As the progress of society required exertions in a wider field, the public mind was quickened by associations that were blended with early history; and when Connecticut emerged from the quiet of its origin, and made its way into scenes where a new political world was to be created, the sagacity that had regulated the affairs of the village, gained admiration in the field and in council.

During the intervening century, we shall rarely have occasion to recur to Connecticut; its institutions were perfected. For more than a century peace was within its borders; and, with transient interruptions, its democratic institutions were unharmed. For a century, with short exceptions, its history is the picture of colonial happiness. To describe its condition is but to enumerate the blessings of self-government, as exercised by a community of farmers, who have leisure to reflect, who cherish education, and who have neither a nobility nor a populace. How dearly it remembered the parent island, is told by the English names of its towns. Could Charles II. have looked back upon earth, and seen what security his gift of a charter had conferred, he might have gloried in an act which redeemed his life from the charge of having been

unproductive of public happiness. The contentment of Connecticut was full to the brim. In a public proclamation under the great seal of the colony, it told the world that its days under the charter were "halecyon days of peace."

Those days never will return. Time, as it advances, never reproduces an old piece, but unfolds new scenes in the grand drama of human existence—scenes of more glory, of more wealth, of more action, but not of more tranquillity and purity.

Rhode Island was fostered by Charles II. with still greater liberality. When Roger Williams had succeeded in obtaining from the Long Parliament the confirmed
 1652. union of the territories that now constitute the state, he returned to America, leaving John Clarke as the agent
 1652- of the colony in England. Never did a young com-
 1664. monwealth possess a more faithful friend; and never did a young people cherish a fonder desire for the enfranchisement of mind. "Plead our case," they
 1658. had said to him in previous instructions, which Gorton and others had draughted,(1) "in such sort as we may not be compelled to exercise any civil power over men's consciences; we do judge it no less than a point of absolute cruelty." And now that the hereditary monarch
 1650. was restored and duly acknowledged, they had faith that "the gracious hand of Providence would preserve them in their just rights and privileges."(2) "It is much in our hearts," they urged in their petition to Charles II., "to hold forth a lively experiment, that a most flourishing civil state may stand, and best be maintained, with a full liberty of religious concernments." The benevolent
 1652. monarch listened to their petition; it is more remarkable that Clarendon exerted himself(3) for the men who used to describe themselves as having fled from bishops as from wolves; the experiment of religious freedom in a nook of a remote continent, could not appear dangerous; it might at once build up another rival to Massachusetts, and solve a curious problem in the history of man. The charter, therefore, which was delayed only

(1) MS. extracts from the records. The instructions are printed in Mass. Hist. Coll. xvii. 85—87. The document is of the highest interest, no learning or skill in rhetoric could have mended it.

(2) Commission to John Clarke, in Mass. Hist. Coll. xvii. 90, 91.

(3) R. I. Records.

by controversies about bounds, was at length perfected, and, with new principles, embodied all that had been 1663. granted to Connecticut.(1) The supreme power was committed—the rule continues to-day—to a governor, deputy-governor, ten assistants, now called senators, and deputies from the towns. It marks a singular moderation, that the scruples of the inhabitants were so respected, that no oath of allegiance(2) was required of them; the laws were to be agreeable to those of England, yet with the kind reference “to the constitution of the place, and the nature of the people;” and with great benevolence the monarch proceeded to exercise, as his brother attempted to do in England, and as by the laws of England he could not exercise within the realm, the dispensing power in matters of religion. “No person within the said colony, at any time hereafter, shall be anywise molested, punished, disquieted, or called in question, for any difference in opinion in matters of religion; every person may at all times freely and fully enjoy his own judgment and conscience in matters of religious concerns.” The charter did not limit freedom to Christian sects alone; it granted equal rights to the *Painim*, and the worshipper of *Fo*. To the disciples of Confucius it was, on the part of a Christian prince, no more than an act of reciprocal justice; the charter of Rhode Island was granted just one year after the Emperor of China had proclaimed the enfranchisement of Christianity among the hundred millions of his people.

No joy could be purer than that of the colonists, when the news was spread abroad, that “George Baxter,(3) the most faithful and happy bringer of the charter,” had arrived. On the beautiful island, long esteemed a paragon for fertility, and famed as one of the pleasantest sea-side spots in the world, the whole body of the people gathered together, “for the solemn reception of his Majesty’s gracious letters patent.” It was “a very great meeting and assembly.” The letters of the agent “were opened, and read with good delivery and attention;” the charter was next taken forth from the precious box that had held it, and “was read by Baxter, in the audience and view of all the people; and the letters with his Majesty’s royal stamp, and the broad seal, with much becoming gravity,

(1) Hazard, ii. 612, &c.; and also Knowles, App. G. (2) Hazard, ii. 617.

(3) Backus, almost always very accurate, here mistakes the name.

were held up on high, and presented to the perfect view of the people." Now their republic was safe; Massachusetts had denied its separate existence; she must yield to the willing witness of their sovereign. And how could the inhabitants of Rhode Island be otherwise than grateful to Charles II., who had granted to them all that they had asked, and who relied on their affections, without exacting even the oath of allegiance?

This charter of government, constituting, as it then seemed, a pure democracy, and establishing a political system which few beside the Rhode Islanders themselves believed to be practicable, remained in existence till it became the oldest constitutional charter in the world. It outlived the principles of Clarendon and the policy of Charles II. The probable population of Rhode Island, at the time of its reception, may have been two thousand five hundred. In one hundred and seventy years, that number increased forty fold; and the government, which was hardly thought to contain checks enough on the power of the people, to endure even among shepherds and farmers, protected a dense population, and the accumulations of a widely-extended commerce. Nowhere in the world were life, liberty, and property safer than in Rhode Island.

The thanks of the colony were unanimously voted to a triumvirate of benefactors (1)—to "King Charles of England, for his high and inestimable, yea, incomparable favour;" to Clarendon, the historian, the statesman, the prime minister, who had shown "to the colony exceeding great care and love;" and to the modest and virtuous Clarke, (2) the persevering and disinterested envoy, who, during a twelve years' mission, had sustained himself by his own exertions and a mortgage on his estate; whose whole life was a continued exercise of benevolence, and who, at his death, bequeathed all his possessions for the relief of the needy, and the education of the young. Others have sought office to advance their fortunes; he, like Roger Williams, parted with his little means for the public good. He had powerful enemies in Massachusetts, and left a name without a spot.

(1) MS. Record, Vote 3, 4, and 6.

(2) On Clarke, see Backus, i. 440; Allen's Biog. Dict. The charge of "baseness" in Grahame, i. 315, is an unwarranted misapprehension. His enemies in Massachusetts disliked his principles and his success; they respected his fidelity and his blameless character. Grahame is usually very candid in his judgments.

It requires but small acquaintance with authors to discover those who bestow praise grudgingly, even where most deserved. Men of letters have the passions and frailties of human nature, and display them in their writings; and there are not wanting historical inquirers who are swayed by some latent motive of party to impair the merits of the illustrious dead, and envy the reputation of states. The laws of Rhode Island, which had been repeatedly revised by committees, were not published till after, not only the revolution of 1688, but the excitements consequent on the Hanoverian succession; and we find in the oldest printed copy now extant,⁽¹⁾ that Roman Catholics were excepted from the enjoyment of freedom of conscience. The exception was not the act of the people of Rhode Island; nor do the public records indicate what committee of revisal made the alteration, for which the occasion grew out of English politics. The exception was harmless, for there were no Roman Catholics in the colony. When, in the war for independence, French ships arrived in the harbours of Rhode Island, the inconsistent exception was immediately erased by the legislature. There have been those, who, arguing plausibly from the printed copy, have referred this exception to the first general assembly that met at Newport after the patent arrived. I have carefully examined the records, and find that the people of Rhode Island, on accepting their charter, affirmed the great principle of intellectual liberty in its widest scope. The first assembly⁽²⁾ 4664. did little more than organize the government anew, and repeal all laws inconsistent with the charter—a repeal which precludes the possibility of the disfranchising of Roman Catholics. In May, the regular session was held, and religious freedom was established in the very words of the charter.⁽³⁾ The broad terms embrace not Roman Catholics merely, but men of every creed. “No person shall at any time hereafter be anyways called in question for any difference of opinion in matters of religion.” As

(1) I have seen none older than the edition of 1744.

(2) This appears from the R. I. Records, March, 1663-4.

(3) Records. If Roman Catholics were disfranchised (which they were not) in March, 1663-4, that disfranchisement endured only two months. Compare Eddy, in Walsh's Appeal, 429, &c.; and Bull, in the R. I. Republican for January 15, 1834; Chalmers, 276; Douglass, ii. 83, 104; British Dom. in America, ii. 252; Brit. Empire, ii. 148; Holmes, &c. &c. &c. are all but forms of the one single authority in the printed laws of Rhode Island.

if to preserve a record that should refute the calumny, in May, 1665, the legislature asserted that "liberty to all persons, as to the worship of God, had been a principle maintained in the colony from the very beginning thereof; and it was much in their hearts to preserve the same liberty for ever." (1) Nor does this rest on their own testimony in their own favour. The commissioners from England, who visited Rhode Island, reported of its people, "They allow liberty of conscience to all who live civilly; they admit of all religions." (2) And again, in 1680, the government of the colony could say, what therewas no one oppressed individual to controvert, "We leave every man to walk as God persuades his heart; all our people enjoy freedom of conscience." (3) Freedom of conscience, unlimited freedom of mind, was, from the first, the trophy of the Baptists.

What more shall we relate of Rhode Island in this early period? That it invented a new mode of voting, since each freeman was obliged to subscribe his name on the outside of his ballot? that, for a season, it divided its general assembly into two houses—a change which, near the close of the century, was permanently adopted? ^{1665.} that it ordered the towns to pay the deputies three shillings a day for their legislative services? that it was importuned by Plymouth, and vexed by Connecticut, on the subject of boundaries? that, asking commercial immunities, it recounted to Clarendon the merits of its bay, "in very deed the most excellent in New England; having harbours safe for the biggest ships that ever sayled the sea, and open when others at the east and west are locked up with stony doors of ice?" It is a more interesting question, if the rights of conscience and the freedom of mind were strictly respected.

There have not been wanting those who have charged Rhode Island with persecuting the Quakers. The calumny has not even a plausible foundation. The royal commissioners, in 1665, less charitable than the charter, required the oath of allegiance; the general assembly, scrupulous in its respect for the rights of conscience, would listen to no proposition except for an engagement of fidelity, and due obedience to the laws. To refuse the engagement was to forfeit the elective franchise. Could a milder

(1) Mass. Hist. Coll. xvii. 98.

(2) Hutch. Coll. 413, 415.

(3) Chalmers, 284.

course have been proposed? When, by experience, this engagement was found irksome to the Quakers, it was the next year repealed.(1)

Once, indeed, Rhode Island was betrayed into inconsistency. There had been great difficulties in collecting taxes, and towns had refused to pay their rates. In 1671, the general assembly passed a law, inflicting a severe penalty on any one who should speak in town-meeting against the payment of the assessments. The law lost to its advocates their re-election; in the next year, the 1672. magistrates were selected from the people called Quakers, and freedom of debate was restored. George Fox himself was present among his Friends, demanding a double diligence in "guards against oppression," and in the firm support "of the good of the people." The instruction of "all the people in their rights," he esteemed the creative power of good in the colony; and he adds,—for in his view Christianity established political equality,—“You are the unworthiest men upon the earth, if you do lose the liberty wherewith Christ hath made you free in life and glory.”(2)

For Maryland, the restoration of the Stuarts was the restoration of its proprietary. Virginia possessed far stronger claims for favour than Rhode Island and 1661. Connecticut; and Sir William Berkeley himself embarked for England as the agent of the colony. But Virginia was unhappy alike in the agent whom she selected and in the object of her pursuit. Berkeley was eager in the advancement of his own interests; and Virginia desired relief from the pressure of the Navigation Act,(3) which

(1) Brinley, in *Mass. Hist. Coll.* v. 216—220; Holmes, i. 341. Compare, in reply, Eddy in *Mass. Hist. Coll.* xvii. 97; Knowles, 324, 325.

(2) The leading printed authorities for early Rhode Island history, are Callender's *Century Sermon*, Backus's *History of the Baptists*, and Knowles's *Roger Williams*. The *Mass. Hist. Coll.* contain many useful documents, too various to be specially cited. Our Rhode Island Historical Society has published three valuable volumes. Hopkins's *History of Providence* is not accurate; it is in the *Mass. Hist. Coll.* Compare, also, Walsh's *Appeal*, 431, &c. Let me not forget to add the reprints from the *Records*, and the *Commentaries of Henry Bull*, of Newport. Besides printed works, I have large MS. materials, which I collected in part from the public offices in Rhode Island. I am especially indebted to William R. Staples, who, with singular liberality, intrusted to me the MS. collections which he has been gathering for years. Such kindness demands my gratitude.

(3) *Albany Records*, xviii. 158. In reply, the Dutch W. I. C., July 15, 1662. "Gov. Berkeley has as yet effected very little in favour of the English Virginians." *Records*, xviii. 197.

Charles II. had so recently ratified. Relief was impossible ; for it was beyond the prerogative of the king, and lay only within the power of parliament. Virginia received no charter, nor any guarantee for her established constitution, except in the instructions to her governor. The confidence of loyalty was doomed to suffer heavy retribution ; and, to satisfy the greediness of favourite
 1669. courtiers, Virginia was dismembered by lavish grants, till at last the whole colony was given away for a generation, as recklessly as a man would give away a life-
 1673. estate in a farm.

Meantime, Sir William Berkeley made use of his presence in England for his own account, and set the example of narrowing the limits of the province for which he
 1663. acted, by embarking with Clarendon, and six other principal courtiers and statesmen of that day, in an immense speculation in lands. Berkeley, being about to return to America, was, perhaps, esteemed a convenient instrument. King Charles was caricatured in Holland, with a woman on each arm, and courtiers picking his pocket. This time they took whole provinces ; the territory which they obtained, if divided among the eight, had given to each a tract as extensive as the kingdom of France.

To complete the picture of the territorial changes made by Charles II., it remains to be added, that, having given
 1664. away the whole south, he enfeoffed his brother with 1677. the country between Pemaquid and the St. Croix. The proprietary rights to New Hampshire and Maine were revived, with the intent to purchase them for the Duke of Monmouth. The fine country from Connecticut River
 1664. to Delaware Bay, tenanted by nearly ten thousand souls, in spite of the charter to Winthrop, and the possession of the Dutch, was, like part of Maine, given to the Duke of York. The charter which secured a large
 1681. and fertile province to William Penn, and thus invested philanthropy with executive power on the western bank of the Delaware, was a grant from Charles II. After Philip's war in New England, Mount Hope
 1679. was hardly rescued from a courtier, then famous as the author of two indifferent comedies. The grant of Nova Scotia to Sir Thomas Temple was not revoked, while,
 1667. with the inconsistency of ignorance, Acadia, with indefinite boundaries, was restored to the French.

From the outer cape of Nova Scotia to Florida, with few exceptions, the tenure of every territory was changed. Nay, further, the trade with Africa—the link in the chain of universal commerce, that first joined Europe, Asia, and America together, and united the Caucasian, the Malay, and the Ethiopian races in indissoluble bonds—was given away to a company, which alone had the right of planting on the African coast. The frozen zone itself was
 1669. invaded, and Prince Rupert and his associates were endowed with a monopoly of the regions on Hudson's Bay.

During the first four years of his power, Charles II. gave away a large part of a continent. Could he have continued as lavish, in the course of his reign he would have given away the world.

CHAPTER XII.

MASSACHUSETTS AND CHARLES II.

MASSACHUSETTS never enjoyed the favour of the restored government. The virtual independence which
 1660. had been exercised for the last twenty years, was too dear to be hastily relinquished. The news of the restoration, brought by the ships in which Goffe and Whalley were passengers, was received with sceptical anxiety; and no notice was taken of the event. At the session of the general court in October, a motion for an address to the king did not succeed: affairs in England were still regarded as unsettled. At last it became certain that the hereditary family of kings had recovered its authority, and that swarms of enemies to the colony had gathered round the new government; a general court was convened, and addresses were prepared for the parliament and the monarch. These addresses have been censured as marked with Oriental adulation: (1) the spirit that breathes through them is republican; the language of hyperbole was borrowed from the manners of the East, so familiar from the study of the Hebrew Scriptures. By advice of the great majority of elders, no judgment was expressed on the execution of Charles I., and "the grievous confusions" of

(1) Ebeling, i. 954. Ebeling is rarely so uncharitable.

the past.(1) The colonists appealed to the king of England,(2) as "a king who had seen adversity, and who, having himself been an exile, knew the hearts of exiles." They prayed for "the continuance of civil and religious liberties," and requested against complaints an opportunity of defence. "Let not the king hear men's words,"—such was their petition;—"your servants are true men, fearing God and the king. We could not live without the public worship of God: that we might, therefore, enjoy divine worship without human mixtures, we, not without tears, departed from our country, kindred, and fathers' houses. Our garments are become old by reason of the very long journey; ourselves, who came away in our strength, are, many of us, become gray-headed, and some of us stooping for age." In return for the protection of their liberties, they promise the blessing of a people whose trust is in God.

At the same time, Leverett, the agent of the colony, was instructed to make interest in its behalf with members of parliament and the privy council; to intercede for its chartered liberties; to resist appeals to England, alike in cases civil or criminal. Some hope was entertained that the new government might be propitious to New England commerce, and renew the favours which the Long Parliament had conceded. But the Navigation Act had just been passed; and Massachusetts never gained an exemption from its severity till she ceased to demand it as a favour.

Meantime a treatise, which Eliot, the benevolent apostle of the Indians,—the same who had claimed for the people a voice even in making treaties,—had published in defence of the unmixed principles of popular freedom, was condemned, as too full of the seditious doctrines of democratic liberty; the single-minded author did not hesitate to^{1661.} suppress his book on "the Christian Commonwealth," and in guarded language to acknowledge the form of government by king, lords, and commons, as not only lawful, but eminent.(3)

A general expression of good-will from the king could not quiet the apprehensions of the colonists. The committee for the plantations had already surmised that Massachusetts would, if it dared, cast off its allegiance, and re-

(1) Hutch. Coll. 332: "It is doubted by the most," &c. Elders' Advice.

(2) Ibid. 325—329.

(3) Hutchinson, i. 195.

sort to an alliance with Spain, or to any desperate remedy, rather than admit of appeals to England. Upon this subject a controversy immediately arose; and the royal government resolved to establish the principle which the Long Parliament had waived.

It was therefore not without reason, that the colony foreboded collision with the crown; and after a full report from a numerous committee, of which Bradstreet, Hawthorne, Mather, and Norton, were members, the general court published a declaration of natural and chartered rights.

Their liberties under God and their patent they declare to be, "to choose their own governor, deputy-governor, and representatives; to admit freemen on terms to be prescribed at their own pleasure; to set up all sorts of officers, superior and inferior, and point out their power and places; to exercise, by their annually-elected magistrates and deputies, all power and authority, legislative, executive, and judicial; to defend themselves by force of arms against every aggression; and to reject, as an infringement of their right, any parliamentary or royal imposition, prejudicial to the country, and contrary to any just act of colonial legislation." The duties of allegiance were narrowed to a few points, which conferred neither profit nor substantial power on the mother country or its sovereign.

Thus the Puritan commonwealth joined issue with the king, by denying the right of appeal, and with the parliament, by declaring the Navigation Act an infringement of chartered rights. It was not till these long and careful preparations had been completed, that, more than a year after his restoration, Charles II. was acknowledged by public proclamation. We have seen how England welcomed his return; the magistrates of Massachusetts permitted no man to drink the king's health. A few formalities were coldly observed. The day that saw monarchy renewed on this side the Atlantic, was not esteemed a day of rejoicing.

The young republic had continued the exercise of its government as of right; complaints against her had multiplied; and her own interests, seconding the express orders of the monarch, induced her to send envoys to London. The country was divided in opinion: the large majority insisted on sustaining, with the charter, an inde-

pendent administration in undiminished force ; others were willing to make such concessions as would satisfy the ministry of Clarendon. The first party held the reins of government, and John Norton, an accomplished scholar and rigid Puritan, yet a friend to moderate counsels, was joined with the excellent Simon Bradstreet in the commission for England. They were instructed to persuade the king of the confiding loyalty of Massachusetts, and yet to suffer no appeals from the colony to his clemency or his consideration ; to propitiate the monarch, and yet to save the independence of the country. Conscious that they were sent on an impossible mission, the envoys embarked with great reluctance. Letters were at the same time transmitted to those of the English statesmen on whose friendship it was safe to rely.⁽¹⁾

Whatever might have been the secret wishes or intentions in England, King Charles, aware of the spirit of the colonists, conscious of his own poverty and weakness, and ignorant of the numbers and strength of Massachusetts, received the messengers with courtesy ; and they returned in the fall with the royal answer, which probably originated with Clarendon. A confirmation of the charter was granted, and an amnesty of all offences during the late troubles was conditionally promised. But the king asserted his right to interfere in the domestic concerns of the colony ; he demanded a repeal of all laws derogatory to his authority ; the administration of the oath of allegiance ; the administration of justice in his name ; the complete toleration of the Church of England ; and a concession of the elective franchise to every inhabitant possessing a competent estate.

These requisitions seemed not wholly unreasonable in themselves ; the people of Massachusetts regarded, not so much the nature of the requisitions, as of the power which made the demand. The principle seemed to give to the monarch a virtual negative on their acts, and a power of reversing the judgments of their courts. The question of obedience was a question of liberty, and gave birth to the parties of prerogative and of freedom. Such is the origin of the parties which continued to divide Massachusetts till the establishment of actual independence.

The character of the times connected religious intolerance with the contest. Episcopacy and monarchy

(1) Hutch. Coll. 344—371.

were feared as natural allies: Anabaptists, also, were royalists; they had appeared before the ministry in England as plaintiffs against Massachusetts, and could boast of the special favour of Charles II. The principles of an enlightened toleration had been so rapidly gaining ground, that they had repeatedly possessed a majority in one branch of the legislature; but, now that Massachusetts was compelled to resume its opposition to monarchy, a censorship over the press was established; and the distrust of all dissension from the established forms of dissent, awakened once more the energies of religious bigotry. The representatives of Massachusetts, instead of complying with the wishes of the king, resolved only on measures conducive "to the glory of God, and to the felicity of his people;" that is, to a continuance of their religious institutions, and their democratic independence.

Meantime the people of Massachusetts were not
 1663. ignorant how great dangers they incurred by refusing to comply with the demand of their sovereign.(1) False rumours were mingled with true reports, and assisted to incense the court at St. James's. Whalley and Goffe, it was currently asserted, were at the head of an army;(2) the union of the four New England colonies was believed to have had its origin in the express "purpose of throwing off dependence on England."(3) Sir Thomas Temple, Cromwell's governor of Acadia, had resided for years in New England, and now appeared as their advocate. "I assure you"—such was Clarendon's message to Massachusetts—"of my true love and friendship to your country; neither in your privileges, charter, government, nor church discipline, shall you receive any prejudice."(4) Yet the news was soon spread abroad, that commissioners would be appointed to regulate the affairs of New England; and at
 1664. length there was room to believe that they had already embarked, and that ships of war would soon anchor in the harbour of Boston.(5)

Precautionary measures were promptly adopted. The

(1) Chalmers, 386.

(2) MS. letter of Sir T. Temple.

(3) MS. letter of commissioners to T. Prince, of Plymouth.

(4) Temple's MS. letter.

(5) The chief authorities are Hutchinson's Hist. i. c. ii. and Appendix; Hutch. Coll.; Danforth Papers, in Mass. Hist. Coll. xviii. Chalmers, c. xvi. There are many papers relating to this period in Hazard. Copious abstracts from the Records, and from the MS. State Papers of Massachusetts, have been most liberally furnished me by J. B. Felt.

patent was delivered to a committee of four, by whom it was to be kept safely and secretly for the country. To guard against danger from an armed force, officers and soldiers were forbidden to land from ships, except in small parties; and strict obedience to the laws of Massachusetts was required from them. In conformity to former usage, a day of fasting and prayer was appointed. The usage has been ridiculed. That age was an age of religious faith; every man was required to attend public worship. Not an individual, but the sick, was ordinarily absent; for, in those days, the mother took with her the nursling whom she could not leave. To appoint a day of fasting on a special occasion, was to call together, in their respective assemblies, every individual of the colony, and to engage the attention of the whole people to a single subject, under the sanction of the invisible presence of God. No mode of diffusing intelligence could equal this, which reached every man's ear. The whole public mind thus became excited, and its decisions known.

At length the fleet, equipped for the reduction of the Dutch settlements on the Hudson, arrived at Boston, bearing commissioners hostile to colonial liberties, and charged to investigate the manner in which the charters of New England had been exercised, "with full authority to provide for the peace of the country, according to the royal instructions, and their own discretion."

No exertion of power was immediately attempted; but the people of Massachusetts, from the first, descried the approach of tyranny. They feared discretion. They would never trust it to their own magistrates; and should they now submit to the discretion of strangers and enemies? The general court assembled to meet the danger; and measures of redress and prevention were devised.

It was agreed to levy two hundred men for the expected war against the Dutch; and this was done, although the services of the men were never required. But the commission was considered a flagrant violation of chartered rights. The inhabitants of Massachusetts had already adopted views which are now a part of the public opinion of the country, but which are not yet received into the system of international law. In regard to the obedience due to a government, they distinguished between natural obedience and voluntary subjection. The child born on the soil of England is necessarily an

English subject ; but they held to the original right of expatriation ; that every man may withdraw from the land of his birth, and renounce all duty of allegiance with all claim to protection. This they themselves had done. Remaining in England, they acknowledged the obligatory force of established law ; because those laws were intolerable, they had emigrated to a new world, where they could all have organized their government, as many of them originally did, on the basis of natural rights, and of perfect independence.

But it had seemed good to them to retain their connection with England ; this connection they held to be purely voluntary ; originally and solely established, and therefore exclusively defined, by the charter, which was the instrument of that voluntary subjection, and the only existing compact connecting them with England. The right of England to the soil, under the pretence of discovery, they derided as a Popish doctrine, derived from Alexander VI. ; and they pleaded, as of more avail, their just occupation, and their purchase from the natives.

Such were the views by which they were animated ; and, as the establishment of a commission with discretionary powers was not specially sanctioned by their charter, they resolved to resist the orders of the king, and nullify his commission. While, therefore, the fleet was engaged in reducing New York, Massachusetts published an order prohibiting complaints to the commissioners, and, preparing a remonstrance, not against deeds of tyranny, but the menace of tyranny—not against actual wrong, but against a principle of wrong—thus addressed King Charles II. :—

“Dread Sovereign,—The first undertakers of this plantation did obtain a patent, wherein is granted full and absolute power of governing all the people of this place, by men chosen from among themselves, and according to such laws as they should see meet to establish. A royal donation, under the great seal, is the greatest security that may be had in human affairs. Under the encouragement and security of the royal charter, this people did, at their own charges, transport themselves, their wives and families, over the ocean, purchase the land of the natives, and plant this colony, with great labour, hazards, cost, and difficulties ; for a long time wrestling with the wants of a wilderness, and the burdens of a new plantation ;

having also, now above thirty years, enjoyed the privilege of GOVERNMENT WITHIN THEMSELVES, as their undoubted right in the sight of God and man. To be governed by rulers of our own choosing and lawes of our own, is the fundamental privilege of our patent.

“A commission under the great seal, wherein four persons (one of them our professed enemy) are empowered to receive and determine all complaints and appeals according to their discretion, subjects us to the arbitrary power of strangers, and will end in the subversion of our all.

“If these things go on, your subjects here will either be forced to seeke new dwellings, or sink under intolerable burdens. The vigour of all new endeavours will be enfeebled; the king himself will be a loser of the wonted benefit by customs, exported and imported from hence into England, and this hopeful plantation will in the issue be ruined.

“If the aime should be to gratify some particular gentlemen by livings and revenues here, that will also fail, for the poverty of the people. If all the charges of the whole government by the year were put together, and then doubled or trebled, it would not be counted for one of those gentlemen a considerable accommodation. To a coalition in this course, the people will never come; and it will be hard to find another people that will stand under any considerable burden in this country, seeing it is not a country where men can subsist without hard labour and great frugality.

“God knows, our greatest ambition is to live a quiet life, in a corner of the world. We came not into this wilderness to seek great things to ourselves; and if any come after us to seeke them heere, they will be disappointed. We keep ourselves within our line; a just dependence upon, and subjection to, your majestie, according to our charter, it is far from our hearts to disacknowledge. We would gladly do any thing within our power to purchase the continuance of your favourable aspect. But it is a great unhappiness to have no testimony of our loyalty offered but this, to yield up our liberties, which are far dearer to us than our lives, and which we have willingly ventured our lives, and passed through many deaths, to obtain.

“It was Job's excellency, when he sat as king among his people, that he was a father to the poor. A poor

people, destitute of outward favour, wealth, and power, now cry unto their lord the king. May your majestie regard their cause, and maintain their right ; it will stand among the marks of lasting honour to after generations."

The spirit of the people corresponded with this address. Did any appear to pay court to the commissioners, they became objects of derision. Even the writing to the king and chancellor was not held to be a duty ; the compact by the charter required only the payment to the king of one-fifth of all gold and silver ore ; this was an obligation ; any notice of the king beyond this was only by way of civility.⁽¹⁾ It was also hoped to weary the English government by a tedious correspondence ; which might be continued till a new revolution. "For who knows," it was said, "but there may be a new revolution in England?" It is sometimes difficult to distinguish the instinct of fanaticism from the soundest judgment ; fanaticism is sometimes of the keenest sagacity. There were many in New England who confidently expected a revival of liberty after the restoration, and what was called "the slaying of the witnesses." "Who knows," it was asked, "what the event of this Dutch war will be?" The establishment of arbitrary power would bring arbitrary taxation in its train, for the advantage of greedy courtiers. A report was spread, that Massachusetts was to yield a revenue of five thousand pounds yearly for the king. Public meetings of the people were held ; the brave and liberal Hawthorne, at the head of a company of train-bands, made a speech which royalists deemed "seditious ;" and the inflexible Endicott, just as the last sands of life were running out, addressed the people at their meeting-house in Boston. Charles II. had written to the colony against Endicott, as a person not well affected, and desired that some other person might be chosen governor in his stead ; but Endicott, who did not survive till the day of election, retained his office till the King of Kings summoned him from the world. The aged Davenport was equally unbending. "The commission," said he from New Haven, "is but a tryal of our courage : the Lord will be with his people while they are with him. If you consent to this court of appeals, you pluck down with your own hands the house which wisdom has built for you and your posterity."

The elections in the spring of 1665 proceeded with great quiet; the people firmly sustained the government. Meantime, letters of entreaty had been sent to Robert Boyle and the Earl of Manchester; for, from the days of Southampton and Sandys, of Warwick and Say, to those of Burke and Chatham, America was not entirely destitute of friends in England. But none of them would perceive the reasonableness of complaining against an abstract principle. "We are all amazed," wrote Clarendon,—who, says Robert Boyle, was no enemy to Massachusetts;—"you demand a revocation of the commission, without charging the commissioners with the least matter of crimes or exorbitances." Boyle echoed the astonishment: "The commissioners are not accused of one harmful thing, even in your private letters." The statesmen of that day in Massachusetts were more wise, and understood the doctrine of liberty better than the Chancellor of England. A century later, and there were none in England who did not esteem the commission an unconstitutional usurpation.(1)

To Connecticut, the controversy of Massachusetts with the commissioners was fraught with beneficial results. It facilitated the entire union of the two colonies of Hartford and New Haven; and, as the commissioners were desirous to make friends in the other colonies, they avoided all angry collisions, gave no countenance to a claim advanced by the Duke of Hamilton to a large tract of territory in the colony; and, in arranging the limits of New York, though the charter of Clarendon's son-in-law extended to the river Connecticut, they established the boundary, on the main, in conformity with the claims of Connecticut itself. Long Island went to the Duke of York. Satisfied with the harmony which they had secured by attempting nothing but for the interests of the colony, the commissioners saw fit to praise to the monarch "the dutifulness and obedience of Connecticut," which was "set off with the more lustre by the contrary deportment of Massachusetts."

We shall soon have occasion to narrate the events in which Nichols was engaged at New York, where he remained. Carr, Cartwright, and Maverick, the other commissioners, returning to Massachusetts, desired that, at the next general election-day, the whole male

(1) Boyle, in *Mass. Hist. Coll.* xviii. Chalmers.

population might be assembled in Boston, to hear the message from the king. The absurd proposal was rejected. "He that will not attend to the request," said Cartwright, "is a traitor."

The nature of the government of Rhode Island, its habitual policy of relying on England for protection, secured to the royal agents in that province a less unfavourable reception. Plymouth,⁽¹⁾ the weakest colony of all, stood firm for its independence; although the commissioners, flattering the long-cherished hopes of the inhabitants, had promised them a charter if they would but set an example of compliance, and allow the king to select their governor from among three candidates, whom they themselves should nominate. The general assembly, after due consideration, "with many thanks to the commissioners, and great protestations of loyalty to the king," "chose to be as they were." The people of Plymouth at that time were so poor "they could not maintain scholars to their ministers;" but in some places made use of "a guifted brother;" but the brethren were as "guifted" in the nature of liberty as in religion.

If Plymouth could not be blinded by the dazzling prospect of a charter, there was no room to expect success in Massachusetts. The conference between the two parties degenerated into an altercation. "It is insufferable," said the government, "that the colony should be brought to the bar of a tribunal unknown to its charter." At length it was directly asked, "Do you acknowledge his Majesty's commission?" The colony declined giving a direct answer, and chose rather to plead his Majesty's charter.

Tired of discussion, the commissioners resolved to act; and declared their intention of holding a court to decide a cause in which the colony was cited to appear as defendant. The general court forbade the procedure. The commissioners refused to recede; the morning for the trial dawned; the parties had been summoned; the commissioners were preparing to proceed with the cause, when, by order of the court, a herald stepped forth, and, having sounded the trumpet with due solemnity, made a public proclamation, in the name of the king, and by authority of the charter, declaring to all the people of the colony, that, in observance of their duty to God, to the king, and

(1) Morton and Davis, 310, &c., and 417, &c.

to their constituents, the general court could not suffer any to abet his Majesty's honourable commissioners in their proceedings.

Some extraordinary form of publicity was thought necessary, to give validity to the remonstrance. The herald sounded the trumpet in three several places, and repeated publicly his proclamation. We may smile at this solitary imitation of a feudal ceremony. Yet when had the voice of a herald proclaimed the approach of so momentous a contest? It was not merely a struggle of the general court and the commissioners; nor yet of Charles II. and Massachusetts; it was a still more momentous combat—the dawning strife of the new system against the old system, of American politics against European politics.

The commissioners could only wonder that the arguments of the king, his chancellor, and his secretary, could not convince the government of Massachusetts. “Since you will misconstrue our endeavours,” said they, “we shall not lose more of our labours upon you;” and so they retreated to the north. There they endeavoured to inquire into the bounds of New Hampshire and Maine, and to prepare for the restoration of proprietary claims. Massachusetts was again equally active and fearless; its governor and council forbade the towns on the Piscataqua to meet, or in anything to obey the commission, at their utmost peril.⁽¹⁾

In Maine, the temper of the people was more favourable to royalty; they preferred the immediate protection of the king to an incorporation with Massachusetts, or a subjection to the heir of Gorges; and the commissioners, setting aside the officers appointed by Massachusetts, and neglecting the pretensions of Gorges, issued commissions to persons of their selection to govern the district. There were not wanting those who, in spite of threats, openly expressed fears of “the sad contentions” that would follow, and acknowledged that their connection with Massachusetts had been favourable to their prosperity. Secure in the support of a resolute minority, the Puritan commonwealth, soon after the departure of the commissioners, entered the province, and again established its authority by force of arms. Great tumults ensued; many persons, opposed to what seemed a usurpation, were punished for “irreverent speeches;” some even reproached

(1) Hutch. Coll. 419.

the authorities of Massachusetts "as traitors and rebels against the king;"(1) but the usurpers made good their ascendancy till Gorges recovered his claims by adjudication in England. From the southern limit of Massachusetts to the Kennebeck, the colonial government maintained its independent jurisdiction. The agents of the king left not a trace of their presence. Having been recalled, they had retired in angry petulance, threatening the disloyal with retribution and the gallows.

The frowardness of Massachusetts was visited by reproofs from the English monarch; to whom it was well known that "the people of that colony affirmed his Majesty had no jurisdiction over them."(2) It was resolved to transfer the scene of negotiations to England, where Bellingham and Hawthorne were, by a royal mandate, 1666. expressly commanded, on their allegiance, to attend, with two or three others, whom the magistrates of Massachusetts were to appoint as their colleagues. Till the final decision of the claims of Gorges, the government of Maine was to continue as the commissioners had left it.

The general court was to execute such commands as exceeded the powers of the magistrates; the general court was therefore convened to consider the letter from the king. The morning of the second day was spent in prayer; six elders prayed. The next day, after a lecture, some debate was had; and petitions, proposing compliance with the king, were afterwards forwarded from Boston, Salem, Ipswich, and Newbury. "Let some regular way be propounded for the debate," said Bellingham, the governor, a man who emphatically hated a bribe.—"The king's prerogative gives him power to command our appearance," said the moderate Bradstreet; "before God and men we are to obey."—"You may have a trial at law," insinuated an artful royalist; "when you come to England, you may insist upon it and claim it."—"We must as well consider God's displeasure as the king's," retorted Willoughby; "the interest of ourselves and of God's things, as his Majesty's prerogative; for our liberties are of concernment, and to be regarded as to the preservation; for if the king may send for me now, and another to-morrow, we are a miserable people."—"Prerogative is as necessary as law," rejoined the royalist, who

(1) Extracts from records communicated by George Folsom.

(2) Hutchinson's History, i. App. xix.

perhaps looked to the English court as an avenue to distinction.—“Prerogative is not above law,” said the inflexible Hawthorne, ever the advocate of popular liberty.(1) After much argument, obedience was refused. “We have already”—such was the reply of the general court—“furnished our views in writing, so that the ablest persons among us could not declare our case more fully.”

This decision of disobedience was made at a time when the ambition of Louis XIV. of France, eager to grasp at the Spanish Netherlands, and united with De Witt by a treaty of partition, had, in consequence of his Dutch alliance, declared war against England. It was on this occasion, that the idea of the conquest of Canada was first distinctly proposed to New England. It was proposed only to be rejected as impossible. “A land march of four hundred miles, over rocky mountains and howling deserts,” was too terrible an obstacle. But Boston equipped several privateers, and not without success.(2)

At the same time, colonial loyalty did not content itself with barren professions; it sent provisions to the English fleet in the West Indies; and to the navy in England, a ship-load of masts; “a blessing, mighty unexpected, and but for which,” adds Pepys,(3) “we must have failed the next year.”

The daring defiance of Massachusetts was not followed by immediate danger. The ministry of Clarendon was fallen, and he himself was become an exile; and profligate libertines had not only gained the confidence of the king’s mistresses, but places in the royal cabinet. While Charles II. was dallying with women, and robbing the theatre of actresses—while the licentious Buckingham, who had succeeded in displacing Clarendon, wasted the vigour of his mind and body by indulging in every sensual pleasure “which nature could desire or wit invent”—while Louis XIV. was gaining influence in the English cabinet, by bribing the mistress of the chief of the king’s cabal—England remained without a good government, and the colonies flourished in purity and peace. The English ministry dared not interfere with Massachusetts; it was right that the stern virtues of the ascetic

(1) Mass. Hist. Coll. xviii. 98.

(2) Ibid. 109.

(3) Pepys, i. 439.

republicans should have intimidated the members of the profligate cabinet. The affairs of New England were often discussed: but the privy council was overawed by the moral dignity which they could not comprehend. There were great debates, in which the king (1) took part, "in what style to write to New England." Charles himself commended this affair more expressly, because "the colony was rich and strong; able to contest with all other plantations about them;" "there is fear," said the monarch, "of their breaking from all dependence on this nation." "Some of the council proposed a menacing letter, which those who better understood the peevish and touchy humour of that colonie were utterly against." After many days, it was concluded, (2) "that, if any, it should be only a conciliating paper at first, or civil letter; for it was understood they were a people almost upon the very brink of renouncing any dependence upon the crown." "Information of the present face of things was desired," and Cartwright, one of the commissioners, was summoned before the council, to give "a relation of that country;" (3) but such was the picture that he drew, the council were more intimidated than ever, so that nothing was recommended beyond "a letter of amnesty." By degrees, it was proposed to send a deputy to New England, under the pretext of adjusting boundaries, but "with secret instructions to inform the council of the condition of New England; and whether they were of such power as to be able to resist his Majesty, and declare for themselves, as independent of the crown." Their strength was reported to be the cause "which of late years made them refractory." (4) What need of many words? The king was taken up by "the childish, simple, and baby-face," of a new favourite; (5) and his traffic of the honour and independence of England to the king of France. The Duke of Buckingham, now in mighty favour, was revelling with a luxurious and abandoned rout, having with him the impudent Countess of Shrewsbury, and his band of fiddlers; and the discussions at the council about New England, were, for the present, as fruitless as the inquiries how nutmegs and cinnamon might be naturalized in Jamaica.

Massachusetts prospered by the neglect. "It is," said Sir

(1) Evelyn, ii. 343.

(2) Ibid. 344.

(3) Ibid. 345.

(4) Ibid. 346; see, also, 358.

(5) Ibid. 332, 355.

Joshua Child, in his discourse on trade, "the most prejudicial plantation of Great Britain; the frugality, industry, and temperance of its people, and the happiness of their laws and institutions, promise them long life, and a wonderful increase of people, riches, and power." They enjoyed the blessings of self-government and virtual independence. The villages of New England were already the traveller's admiration; the acts of navigation were not regarded; no custom-house was established. Massachusetts, which now stretched to the Kennebeck, possessed a widely-extended trade: acting as the carrier for nearly all the colonies, and sending its ships into the most various climes. Vessels from Spain and Italy, from France and Holland, might be seen in Boston harbour, commerce began to pour out wealth on the colonists. A generous nature employed wealth liberally: after the great fire in London, even the miserable in the mother-country had received large contributions. It shows the character of the people, that the town of Portsmouth agreed for seven years to give sixty pounds a year to the college, which shared in the prosperity of Boston, and continued to afford "schismatics to the church;" while the colony was reputed to abound in "rebels to the king." Villages extended; prosperity was universal. Beggary was unknown; theft was rare. If "strange new fashions" prevailed among "the younger sort of women," if "superfluous ribbons" were worn on their apparel, at least "musicians by trade, and dancing-schools," were not fostered. It was still remembered that the people were led into the wilderness by Aaron, not less than by Moses; and, in spite of the increasing spirit of inquiry and toleration, it was resolved to retain the congregational churches "in their purest and most athletick constitution." (1)

Amidst the calmness of such prosperity, many of the patriarchs of the colony,—the hospitable, sincere, but persecuting Wilson; the uncompromising Davenport, ever zealous for Calvinism, and zealous for independence, who founded New Haven on a rock, and, having at first preached beneath the shade of a forest tree, now lived to behold the country full of convenient churches; the tolerant Willoughby, who had pleaded for the Baptists; the incorruptible Bellingham,

(1) Hutchinson, i. 251.

precise in his manners, and rigid in his principles of independence ;—these, and others, the fathers of the people, lay down in peace, closing a career of virtue in the placid calmness of hope, and lamenting nothing so much as that their career was finished too soon for them to witness the fulness of New England's glory.

This prosperity itself portended danger ; for the increase of the English alarmed the race of red men, who could not change their habits, and who saw themselves deprived of their usual means of subsistence. It is difficult to form exact opinions on the population of the several colonies in this earlier period of their history ; the colonial accounts are incomplete ; and those which were furnished by emissaries from England are extravagantly false.(1) Perhaps no great error will be committed, if we suppose the white population of New England, in 1675, to have been fifty-five thousand souls. Of these, Plymouth may have contained not many less than seven thousand ; Connecticut, nearly fourteen thousand ; Massachusetts 1675. proper, more than twenty-two thousand ; and Maine, New Hampshire, and Rhode Island, each perhaps four thousand. The settlements were chiefly agricultural communities, planted near the sea-side, from New Haven to Pemaquid. The beaver-trade, even more than traffic in lumber and fish, had produced the villages beyond the Piscataqua ; yet in Maine, as in New Hampshire, there was “ a great trade in deal boards.” Most of the towns were insulated settlements near the ocean, on rivers, which were employed to drive “ the saw-mills,” then described as a “ late invention ;” and cultivation had not extended far into the interior. Haverhill, on the Merrimack, was a frontier town ; from Connecticut, emigrants had ascended as far as the rich meadows of Deerfield and Northfield : but to the west, Berkshire was a wilderness ; Westfield was the remotest plantation. Between the towns on Connecticut River and the cluster of towns near Massachusetts Bay, Lancaster and Brookfield were the solitary abodes of Christians in the desert. The government of Massachusetts extended to the Kennebeck,(2) and included more than half the population of New

(1) The account in Hutch. Coll. 484, has been very often repeated. It is worthless. The population and wealth of the country are described in hyperboles, that there may be the greater opportunity for obtaining revenues from the colonists.

(2) Hazard, ii. 511.

England; the confederacy of the colonies had also been renewed, in anticipation of dangers.

The number of the Indians of that day hardly amounted to thirty thousand in all New England west of the St. Croix. Of these, perhaps about five thousand dwelt in the territory of Maine; New Hampshire may have hardly contained three thousand; and Massachusetts, with Plymouth, never from the first peopled by many Indians, seems to have had less than eight thousand. In Connecticut and Rhode Island, never depopulated by wasting sickness, the Mohegans, the Narragansetts, the Pokanokets, and kindred tribes, had multiplied their villages round the sea-shore, the inlets, and the larger ponds, which increased their scanty supplies by furnishing abundance of fish. Yet, of these, the exaggerated estimates melt away, when subjected to criticism. To Connecticut, rumour, in the days of the elder Winthrop, gave three or four thousand warrior Indians; and there may have been half of the larger number: the Narragansetts, like so many other tribes, boasted of their former grandeur, but they could not bring into action a thousand bowmen. Thus, therefore, west of the Piscataqua, there were probably about fifty thousand whites, and hardly twenty-five thousand Indians; while, east of the same stream, there were about four thousand whites, and perhaps more than that number of red men.

A sincere attempt had been made to convert the natives, and win them to the regular industry of civilized life. The ministers of the early emigration were fired with a zeal as pure as it was fervent; they longed to redeem these "wrecks of humanity," by planting in their hearts the seeds of conscious virtue, and gathering them into permanent villages.

No pains were spared to teach them to read and write; and, in a short time, a larger proportion of the Massachusetts Indians could do so, than recently of the inhabitants of Russia. Some of them spoke and wrote English tolerably well. Foremost among these early missionaries—the morning star of missionary enterprise—was John Eliot, whose benevolence almost amounted to the inspiration of genius. An Indian grammar was a pledge of his earnestness; the pledge was redeemed by his preparing and publishing a translation of the whole Bible into the Massachusetts dialect. His actions, his thoughts, his

desires, all wore the hues of disinterested love. His uncontrollable charity welled out in a perpetual fountain.

Eliot mixed with the Indians. He spoke to them of God, and of the soul, and explained the virtues of self-denial. He became their lawgiver. He taught the women to spin, the men to dig the ground; he established for them simple forms of government; and, in spite of menaces from their priests and chieftains, he instructed them in his own religious faith, and not without success. Groups of Indians used to gather round him as round a father, and, now that their minds were awakened to reflection, often perplexed him with their questions. The minds of the philosopher and the savage are not so wide apart as is often imagined, they both alike find it difficult to solve the problem of existence. The world is divided between materialists and spiritualists. "What is a spirit?" said the Indians of Massachusetts to their apostle. "Can the soul be enclosed in iron so that it cannot escape?"—"When Christ arose, whence came his soul?" Every clan had some vague conceptions of immortality.⁽¹⁾ "Shall I know you in heaven?" said an inquiring red man. "Our little children have not sinned; when they die, whither do they go?"—"When such die as never heard of Christ, where do they go?"—"Do they in heaven dwell in houses, and what do they do?"—"Do they know things done here on earth?" The origin of moral evil has engaged the minds of the most subtle. "Why," demanded the natives on the banks of the Charles, "why did not God give all men good hearts?"—"Since God is all-powerful, why did not God kill the devil, that made men so bad?" Of themselves they fell into the mazes of fixed decrees and free will. "Doth God know who shall repent and believe, and who not?" The statesman might have hesitated in his answers to some problems. The ballot-box was to them a mystery. "When you choose magistrates, how do you know who are good men, whom you dare trust?" And again, "If a man be wise, and his sachem weak, must he yet obey him?" Cases of casuistry occurred: I will cite but two, one of which, at least, cannot easily be decided. Eliot preached against polygamy. "Suppose a man, before he knew God," inquired a convert, "hath had two wives; the first childless, the second bearing him many sweet children,

(1) Day-breaking, if not Sun-rising, of the Gospel, 7.

whom he exceedingly loves ; which of these two wives is he to put away ?” And the question which Kotzebue proposed in a fiction, that has found its way across the globe, was in real life put to the pure-minded Eliot, among the wigwams of Nonantum. “ Suppose a squaw desert and flee from her husband, and live with another distant Indian, till, hearing the Word, she repents, and desires to come again to her husband, who remains still unmarried ; shall the husband, upon her repentance, receive her again ? ” The poet of civilization tells us, that happiness is the end of our being. “ How shall I find happiness ? ” demanded the savage.(1) And Eliot was never tired with this importunity ; the spirit of humanity sustained him to the last ; his zeal was not wearied by the hereditary idleness of the race ; and his simplicity of life and manners, and evangelical sweetness of temper, won for him all hearts, whether in the villages of the emigrants, or “ the smoky cells ” of the natives.

Nor was Eliot alone. In the islands round Massachusetts, and within the limits of the Plymouth patent, missionary zeal and charity were active ; and “ that young New England scholar,” the gentle Mayhew, forgetting the pride of learning, endeavoured to win the natives to a new religion. At a later day, he took passage for England to awaken interest there ; and the ship in which he sailed was never more heard of. But such had been the force of his example, that his father, though bowed down by the weight of seventy years, resolved on assuming the office of the son whom he had lost, and, till beyond the age of fourscore years and twelve, continued to instruct the natives of the isles ; and with the happiest results. The Indians within his influence, though twenty times more numerous than the whites in their immediate neighbourhood, preserved an immutable friendship with Massachusetts.(2)

Thus churches were gathered among the heathen ; villages of “ praying Indians ” established ; at Cambridge, an Indian actually became a bachelor of arts. Yet Christianity hardly spread beyond the Indians on Cape

(1) Day-breaking, &c. 18. Clear Sunshine of the Gospel, 13, 24, 33, 34. Glorious Progress, 20. The Light appearing more and more, 25, 26, 27, 29, 30. See the tracts collected in Mass. Hist. Coll. xxiv.

(2) See Mayhew's Indian Converts, and, at the end of it, T. Prince's Account of English Ministers, &c. &c. Compare Neal's N. E. ; Mather, b. vi. c. vi. ; Gookin's Praying Indians, MS.

Cod. Martha's Vineyard, and Nantucket, and the seven feeble villages round Boston. The Narragansetts, a powerful tribe, counting at least a thousand warriors,(1) hemmed in between Connecticut and Plymouth, restless and jealous, retained their old belief; and Philip of Pokanoket, at the head of seven hundred warriors, professed with pride the faith of his fathers.

But Philip of Pokanoket, and the tribes that owned his influence, were now shut in by the gathering plantations of the English, and were the first to awaken to a sense of the danger of extermination. True, the inhabitants of New England had never, except in the territory of the Pequods, taken possession of a foot(2) of land without first obtaining a title from the Indians. But the unlettered savage, who repented the alienation of vast tracts, by affixing a shapeless mark to a bond, might deem the English tenure defeasible. Again: by repeated treaties, the red man had acknowledged the jurisdiction of the English, who claimed a guardianship over the Indian, and really endeavoured in their courts, with scrupulous justice, and even with favour, to protect him from fraud, and to avenge his wrongs. But the wild inhabitants of the woods or the sea-shore could not understand the duty of allegiance to an unknown sovereign, or acknowledge the binding force of a political compact; crowded by hated neighbours, losing fields and hunting-grounds, and frequently summoned to Boston or Plymouth, to reply to an accusation, or to explain their purposes, they sighed for the forest freedom, which was to them more dear than constitutional liberties to the civilized, and which had been handed down to them from immemorial ages.

The clans within the limits of the denser settlements of the English, especially the Indian villages round Boston, were broken-spirited, from the overwhelming force of the English. In their rude blending of new instructions with their ancient superstitions—in their feeble imitations of the manners of civilization—in their appeals to the charities of Europeans, they had quenched the fierce spirit of savage independence. They loved the crumbs from the white man's table.

But the Pokanokets had always rejected the Christian faith and the Christian manners; and Massasoit had de-

(1) Gookin says a thousand; others more.

(2) Winslow, in Hubbard's *Indian Wars*, 55.

sired to insert in a treaty,(1) what the Puritans never permitted, that the English should never attempt to convert the warriors of his tribe from the religion of their race. The aged Massasoit—he who had welcomed the Pilgrims to the soil of New England, and had opened his cabin to shelter the founder of Rhode Island—now slept with his fathers ; and his son, Philip of Pokanoket, had succeeded him as chief over allied tribes. Repeated sales of land had narrowed their domains ; and the English had artfully crowded them into the tongues of land, as “most suitable and convenient for them.”(2) There they could be more easily watched ; for the frontiers of the narrow peninsulas were inconsiderable. Thus the two chiefseats of the Pokanokets were the necks of land which we now call Bristol and Tiverton. As population pressed upon other savages, the west was open ; but as the English villages drew nearer and nearer to them, their hunting-grounds were put under culture ; and as the ever-urgent importunity of the English was quieted but for a season by partial concessions from the unwary Indians, their natural parks were turned into pastures ; their best fields for planting corn were gradually alienated ; their fisheries were impaired by more skilful methods ; and, as wave after wave succeeded, they found themselves deprived of their broad acres, and, by their own legal contracts, driven as it were into the sea.

Collisions and mutual distrust were the necessary consequence. I can find no evidence of a deliberate conspiracy on the part of all the tribes. The commencement of war was accidental ; many of the Indians were in a maze, not knowing what to do, and ready to stand for the English ;(3) sure proof of no ripened conspiracy. But to many tribes there were common griefs ; they had the same recollections, and the same fears ; and, when they met, could not but complain of their common lot. When the young warriors came together, how could they fail to regret the ancient domains of their fathers ? Their haughty spirit spurned the English claim of jurisdiction ; and they were indignant that Indian chiefs or warriors should be arraigned before a jury. And what, in their eyes, were paper deeds, the seals and signatures of which they could not comprehend the binding force ? And when the ex-

(1) Hubbard, 47.

(2) Winslow avows the policy.

(3) Hubbard, 56.

pressions of common passion were repeated by an Indian talebearer, fear magnified the plans of the tribes into an organized scheme of resistance.

The haughty chieftain, who had once before been compelled to surrender his "English arms," and pay an onerous tribute, was summoned to submit to an examination, and could not escape suspicion. The wrath of his tribe was roused, and the informer was murdered. The murderers in their turn were identified, seized, tried by a jury, of which one half were Indians, and, on conviction, were hanged. The young men of the tribe panted for revenge; without delay eight or nine of the English were slain in or about Swansey; and the alarm of war spread through the colonies.

Thus was Philip hurried into "his rebellion;" and he is reported to have wept (1) as he heard that a white man's blood had been shed. (2) He had kept his men about him in arms, and had welcomed every stranger; and now, against his judgment and his will, he was involved in war. For what prospect had he of success? Destiny had marked him and his tribe. The English were united; the Indians had no alliance;—the English made a common cause; half the Indians were allies of the English, or were quiet spectators of the fight;—the English had guns enough; but few of the Indians were well armed, and they could get no new supplies;—the English had towns for their shelter and safe retreat: the miserable wigwams of the natives were defenceless;—the English had sure supplies of food; the Indians might easily lose their precarious stores. The individual, growing giddy by danger, rushes, as it were, towards his fate; so did the Indians of New England. Frenzy prompted their rising. It was but the storm in which the ancient inhabitants of the land were to vanish away. They rose without hope, and, therefore, they fought without mercy. For them, as a nation, there was no to-morrow.

(1) Callender's Century Sermon.

(2) The authorities on King Philip's war are, *Present State of N. E.*, and four other Tracts, first published in 1675 and 1676, and now, in 1833 and 1836, reprinted by S. G. Drake; Increase Mather's *Hist. of Troubles with the Indians*; Hubbard's *Indian Wars*; Church's *Hist. of King Philip's War*; *Records of United Colonies*, in Hazard, vol. ii.; Anne Rowlandson's *Captivity*; Wheeler's *Narrative*, in *New Hamp. Hist. Coll.* ii. 5, &c.; Gookin, in 1 *Mass. Hist. Coll.* i. 148, &c.; *Massachusetts Records and Files*. Add Callender's Century Sermon; the important notes of Davis on Morton.

The minds of the English were appalled by the horrors of the impending conflict, and superstition indulged in its wild inventions. At the time of the eclipse of the moon, you might have seen the figure of an Indian scalp imprinted on the centre of its disk. The perfect form of an Indian bow appeared in the sky. The sighing of the wind was like the whistling of bullets. Some distinctly heard invisible troops of horses gallop through the air, while others found the prophecy of calamities in the howling of the wolves.(1)

At the very beginning of danger, the colonists exerted their wonted energy. Volunteers from Massachusetts joined the troops from Plymouth; and within a week from the commencement of hostilities, the insulated Pokanokets were driven from Mount Hope, and in less than a month Philip was a fugitive among the Nipmucks, the interior tribes of Massachusetts. The little army of the colonists then entered the territory of the Narragansetts, and from the reluctant tribe extorted a treaty of neutrality, with a promise to deliver up every hostile Indian. Victory seemed promptly assured. But it was only the commencement of horrors. Canonchet, the chief sachem of the Narragansetts, was the son of Miantonomoh; and could he forget his father's wrongs? And would the tribes of New England permit the nation that had first given a welcome to the English to perish unavenged? Desolation extended along the whole frontier. Banished from his patrimony, where the pilgrims found a friend, and from his cabin, which had sheltered the exiles, Philip, with his warriors, spread through the country, awakening their brethren to a warfare of extermination.

The war, on the part of the Indians, was one of ambushes and surprises. They never once met the English in open field; but always, even if eightfold in numbers, fled timorously before infantry. But they were secret as beasts of prey, skilful marksmen, and in part provided with fire-arms, fleet of foot, conversant with all the paths of the forest, patient of fatigue, and mad with a passion for rapine, vengeance, and destruction, retreating into swamps for their fastnesses, or hiding in the greenwood thickets, where the leaves muffled the eyes of the pursuer. By the rapidity of their descent, they seemed omnipresent among the scattered villages, which they ravaged like a

(1) C. Mather, ii. 486. I. Mather, 34. Hubbard, 120.

passing storm; and for a full year they kept all New England in a state of terror and excitement. The exploring party was waylaid and cut off, and the mangled carcases and disjointed limbs of the dead were hung upon the trees to terrify pursuers. The labourer in the field, the reapers as they went forth to the harvest, men as they went to mill, the shepherd's boy among the sheep, were shot down by skulking foes, whose approach was invisible. Who can tell the heavy hours of woman? The mother, if left alone in the house, feared the tomahawk for herself and children; on the sudden attack, the husband would fly with one child, the wife with another, and, perhaps, one only escape; the village cavalcade, making its way to meeting on Sunday, in files on horseback, the farmer holding the bridle in one hand, and a child in the other, his wife seated on a pillion behind him, it may be with a child in her lap, as was the fashion in those days, could not proceed safely; but, at the moment when least expected, bullets would whiz amongst them, discharged with fatal aim from an ambuscade by the way-side. The forest, that protected the ambush of the Indians, secured their retreat. They hung upon the skirts of the English villages "like the lightning on the edge of the clouds." (1)

What need of repeating the same tale of horrors? Brookfield was set on fire, and rescued only to be abandoned; Deerfield was burned; Hadley, surprised during a time of religious service, was saved only by the daring of Goffe, the regicide, now bowed with years, a heavenly messenger of rescue, who darted from his hiding-place, rallied the disheartened, and, having achieved a safe defence, slunk away into his retirement, to be no more seen. The plains of Northfield were wet with the blood of Beers, and twenty of his valiant associates. As Lathrop's company of young men, the very flower of the young men of Essex, all "culled" out of the towns of that county, were conveying the harvests of Deerfield to the lower towns, they were suddenly surrounded by a horde of Indians; and, as each party fought from behind trees, the victory was with the far more numerous savages. Hardly a white man escaped; the little stream that winds through the tranquil scene, by its name of blood, commemorates the massacre of that day. (2) Springfield was burned, and

(1) Washington Irving.

(2) See the names in note to E. Everett's Address at Bloody Brook, 37.

Hadley once more assaulted. The remoter villages were deserted; the pleasant residences, that had been won by hard toil in the desert, the stations of civilization in the wilderness, were laid waste.

But the English were not the only sufferers. In winter, it was the custom of the natives to dwell together in their wigwams; in spring, they would be dispersed through the woods. In winter, the warriors who had spread misery through the west, were sheltered among the Narragansetts; in spring, they would renew their devastations. In winter, the absence of foliage made the forests less dangerous; in spring, every bush would be a hiding-place. It was resolved to regard the Narragansetts as enemies; and a little before the winter solstice, a thousand men, levied by the united colonies, and commanded by the brave Josiah Winslow, a native of New England, invaded their territory. After a night spent in the open air, they waded through the snow from daybreak till an hour after noon; and at last reached the cluster of wigwams which a fort protected. Davenport, Gardner, Johnson, Gallop, Siely, Marshall, led their companies through the narrow entrance in the face of death, and left their lives as a testimony to their patriotism and courage. Feeble palisades could not check the determined valour of the white men; and the group of Indian cabins was soon set on fire. Thus were swept away the humble glories of the Narragansetts; the winter's stores of the tribe, their curiously-wrought baskets, full of corn, their famous strings of wampum, their wigwams nicely lined with mats,—all the little comforts of savage life were consumed. And more—their old men, their women, their babes, perished by hundreds in the fire.

1676. Then, indeed, was the cup of misery full for these red men. Without shelter and without food, they hid themselves in a cedar swamp, with no defence against the cold but boughs of evergreen trees. They prowled the forests and pawed up the snow, to gather nuts and acorns; they dug the earth for ground-nuts; they ate remnants of horse-flesh as a luxury; they sunk down from feebleness and want of food. Winter and famine, and disease consequent on vile diet, were the allies of the English; while the English troops, after much severe suffering, found their way to firesides.

The spirit of Canochet did not droop under the dis-

asters of his tribe. "We will fight to the last man," said the gallant chieftain, "rather than become servants to the English." Taken prisoner at last, near the Blackstone, a young man began to question him. "Child," replied he, "you do not understand war; I will answer your chief." His life was offered him, if he would procure a treaty of peace; he refused the offer with disdain. "I know," added he, "the Indians will not yield." Condemned to death, he only answered, "I like it well; I shall die before I speak anything unworthy of myself."

Meantime the Indian warriors were not idle. "We will fight," said they, "these twenty years; you have houses, barns, and corn; we have now nothing to lose;" and one town in Massachusetts after another—Lancaster, Medfield, Weymouth, Groton, Marlborough—were laid in ashes.

Nowhere was there more distress than at Lancaster. Forty-two persons sought shelter under the roof of Mary Rowlandson; and, after a hot assault, the Indians succeeded in setting the house on fire. Will the mothers of the United States, happy in the midst of unexampled prosperity, know the sorrows of woman in a former generation? "Quickly," writes Mary Rowlandson, "it was the dolefullest day that ever mine eyes saw. Now the dreadful hour is come. Some in our house were fighting for their lives; others wallowing in blood; the house on fire over our heads, and the bloody heathen ready to knock us on the head, if we stirred out. I took my children to go forth; but the Indians shot so thick, that the bullets rattled against the house, as if one had thrown a handful of stones. We had six stout dogs, but none of them would stir. * * * The bullets flying thick, one went through my side, and through my poor child in my arms." The brutalities of an Indian massacre followed; "there remained nothing to me," she continues, now in captivity, "but one poor wounded babe. Down I must sit in the snow, with my sick child, the picture of death, in my lap. Not the least crumb of refreshing came within either of our mouths from Wednesday night to Saturday night, except only a little cold water. * * * One Indian, and then a second, and then a third, would come and tell me, 'Your master will quickly knock your child on the head.' This was the comfort I had from them; miserable comforters were they all." (1)

Nor were such scenes of ruin confined to Massachusetts. At the south, the whole Narragansett country was deserted by the English. Warwick was burned; Providence was attacked and set on fire. There was no security but to seek out the hiding-places of the natives, and destroy them by surprise. On the banks of the Connecticut, just above the Falls that take their name from the gallant Turner, was an encampment of large bodies of hostile Indians; a band of one hundred and fifty volunteers, from among the yeomanry of Springfield, Hadley, Hatfield, and Northampton, led by Turner and Holyoke, making a silent march in the dead of night, came at daybreak upon the wigwams. The Indians are taken by surprise; some are shot down in their cabins; others rush to the river, and are drowned; others push from shore in their birchen canoes, and are hurried down the cataract.

As the season advanced, the Indians abandoned every hope. Their forces were wasted; they had no fields that they could plant. Such continued warfare without a respite was against their usages. They began, as the unsuccessful and unhappy so often do, to quarrel among themselves; recriminations ensued; those of Connecticut charged their sufferings upon Philip; and those who had been his allies became suppliants for peace. Some surrendered to escape starvation. In the progress of the year, between two and three thousand Indians were killed or submitted. Church, the most famous partisan warrior, went out to hunt down parties of fugitives. Some of the tribes wandered away to the north, and were blended with the tribes of Canada. Did they there nourish the spirit of revenge, and remember their ancient haunts, that they might one day pilot fresh hordes of invaders from the north, to renew the work of devastation? Philip himself, a man of no ordinary elevation of character, was chased from one hiding-place to another. He had vainly sought to engage the Mohawks in the contest; now that hope was at an end, he still refused to hear of peace, and struck dead the warrior who proposed it. At length, after the absence of a year, he resolved, as it were, to meet his destiny; and returned to the beautiful land where were the graves of his forefathers, the cradle of his infancy, and the nestling-place of his tribe. Once he escaped narrowly, leaving his wife and only son as prisoners. "My heart

breaks," cried the tattooed chieftain, in the agony of his grief; "now I am ready to die." His own followers began to plot against him, to make better terms for themselves, and in a few days he was shot by a faithless Indian. The captive orphan was transported. So perished the princes of the Pokanokets. Sad to them had been their acquaintance with civilization. The first ship that came on their coast, kidnapped men of their kindred; and now the harmless boy, that had been cherished as an only child, and the future sachem of their tribes, the last of the family of Massasoit, was sold into bondage, to toil as a slave⁽¹⁾ under the suns of Bermuda. Of the once prosperous Narragansetts, of old the chief tribe of New England, hardly one hundred men remained. The sword, fire, famine, and sickness, had swept them from the earth.

During the whole war, the Mohegans remained faithful to the English; and not a drop of blood was shed on the happy soil of Connecticut. So much the greater was the loss in the adjacent colonies. Twelve or thirteen towns were destroyed; the disbursements and losses equalled in value half a million of dollars—an enormous sum for the few of that day. More than six hundred men, chiefly young men, the flower of the country, of whom any mother might have been proud, perished in the field. As many as six hundred houses were burned. Of the able-bodied men in the colony, one in twenty had fallen; and one family in twenty had been burnt out. The loss of lives and property was, in proportion to numbers, as distressing as in the revolutionary war. There was scarcely a family from which death had not selected a victim.

Let us not forget a good deed of the generous Irish; they sent over a contribution, small, it is true, to relieve in part the distresses of Plymouth colony. Connecticut, which had contributed soldiers to the war, now furnished the houseless with more than a thousand bushels of corn. "God will remember and reward that pleasant fruit." Boston imitated the example, for "the grace of Christ," it was said, "always made Boston exemplary" in works of that nature.

The eastern hostilities with the Indians had a different origin, and were of longer continuance. The news of the rising of the Pokanokets was, indeed, the signal for the

(1) Davis, in Morton, 453, &c.

commencement of devastations ; and, within a few weeks, the war extended over a space of nearly three hundred miles. But in Maine it was a border warfare, growing out of a consciousness of wrongs, and a thirst for revenge. Sailors had committed outrages, and the Indians avenged the crimes of a corrupt ship's crew on the villages. There was no general rising of the Abenakis, or Eastern tribes, no gatherings of large bodies of men. Of the English settlements nearly one half were destroyed in detail ; the inhabitants were either driven away, killed, or carried into captivity ; for covetousness sometimes provoked to mercy, by exciting the hope of a ransom.

The escape of ANNE BRACKETT, grand-daughter of George Cleeves, the first settler of Portland, was the marvel of that day. Her family had been taken captives at the sack of Falmouth. When her captors hastened forward to further ravages on the Kennebeck, she was able to loiter behind ; the eye of the mother discerned the wreck of a birchen bark, which, with needle and thread from a deserted house, she patched and repaired ; then, with her husband, a negro servant, and her infant child, she trusted herself to the sea in the tattered canoe, which had neither sail nor mast, and was like a feather on the waves. She crossed Casco Bay, and, arriving at Black Point, where she feared to find Indians, and at best could only have hoped to find a solitude, how great was her joy, as she discovered a vessel from Piscataqua, that had just sought an anchoring-place in the harbour !⁽¹⁾

The surrender of Acadia to the French had made the struggle more arduous ; for the Eastern Indians obtained supplies of arms from the French on the Penobscot. To defeat the savage enemy effectually, the Mohawks were invited to engage in the war ; a few of them took up
^{1677.} the hatchet : but distance rendered co-operation impossible. After several fruitless attempts at treaties,
^{1678.} peace was finally established by Andros as governor of Pemaquid, but on terms which acknowledged the superiority of the Indians. On their part, the restoration of prisoners and the security of English towns were stipulated ; in return, the English were to pay annually, as a quit-rent, a peck of corn for every English family.⁽²⁾

(1) Hubbard's Indian Wars, 234. Willis's Portland, i. 143, 147, 155. Compare Church, 166. MS. Letters from Willis and Farmer.

(2) Williamson, i. 553. Neal's N. E. &c. &c.

The defence of New England had been made by its own resources. Jealous of independence, it never applied to the parent country for assistance; and the Earl of Anglesey reproached the people with their public spirit. "You are poor," said he, "and yet proud." The English ministry, contributing nothing to repair colonial losses, made no secret of its intention to "reassume the government of Massachusetts into its own hands;" (1) and, before a single season had effaced the traces of the blood of her sons, while the ground was still wet with the blood of her yeomanry, the wrecks of her villages were still smoking, and the Indian war-cry was yet ringing in the forests of Maine, Edward Randolph, the English emissary, arrived in New England.

The messenger and message were received with coldness. The governor avowed ignorance of the officer whose signature was affixed to the letter from the king, and denied the right of the king, or of parliament, to bind the colony by laws adverse to its interests. "The king," said the honest Leverett, "can, in reason, do no less than let us enjoy our liberties and trade, for we have made this large plantation in the wilderness at our own charge, without any contribution from the crown."

Randolph, at once the agent for Mason, and the messenger from the privy council, belonged to that class of hungry adventurers with whom America ultimately became so familiar. His zeal led him, in the course of nine years, to make eight voyages to America; and now, on his return to England, after a residence of but six weeks in the New World, that he might excite the office-seekers in the court of Charles II., he exaggerated the population of the country fourfold, and its wealth in a still greater proportion. His statements deserve little confidence; (2) yet they made the English ministry more eager to narrow the territory, cripple the trade, and recall the charter of Massachusetts.

The colony, reluctantly yielding to the direct commands of Charles II., resolved to send William Stoughton and Peter Bulkley as envoys to England; but, agreeably to the advice of the elders, their powers were circumscribed "with the utmost care and caution."

In their memorial, respecting the extent of their terri-

(1) Burk's Virginia, ii. Appendix, xxxvii.

(2) Hutch. Coll. 503, &c. &c. Hutch. Hist. i. 280, &c.

tory, the court represented their peculiar unhappiness, to be required, at one and the same time, to maintain before courts of law a title to the provinces, and to dispute with a savage foe the possession of dismal deserts.

^{1677.} Remonstrance was of no avail. A committee of the privy council, which examined all the charters, refused to decide on the claims of the resident settlers to the land which they occupied, but denied to Massachusetts the right of jurisdiction over Maine and New Hampshire. The decision was so manifestly in conformity with English law, that the colonial agents attempted no serious defence.

The provinces being thus severed from the government of Massachusetts, King Charles was willing to secure them as an appanage for his reputed son, the kind-hearted, but worthless Duke of Monmouth, the Absalom of that day, whose weakness was involved in a dishonest opposition to his father, and whom frivolous ambition at last conducted to the scaffold. It was thought that the united provinces would furnish a noble principality with an immediate and increasing revenue. But before the monarch, whom extravagance had impoverished, could resolve on a negotiation, Massachusetts, through the agency of a Boston merchant, obtained possession of the claims of Gorges, by a purchase and regular assignment. The price paid was £1,250—about six thousand dollars.

It was never doubted that a proprietary could alienate the soil; it was subsequently questioned whether the rights of government could be made a subject of traffic.

This assignment was the cause of a series of relations, which, in part, continue to the present day. In a pecuniary point of view, no transaction could have been for Massachusetts more injurious; for it made her a frontier state, and gave her the most extensive and most dangerous frontier to defend.

But Massachusetts did not, at this time, come into possession of the whole territory which now constitutes the state of Maine. France, under the treaty of Breda, claimed and occupied the district from St. Croix to the Penobscot; the Duke of York held the tract between the Penobscot and the Kennebeck, claiming, indeed, to own the whole tract between the Kennebeck and the St. Croix; while Massachusetts was proprietary only of the district between the Kennebeck and the Piscataqua.

A novel form of political institution ensued. Massachusetts, in her corporate capacity, was become the lord proprietary of Maine; the little republic on the banks of the Charles was the feudal sovereign of this eastern lordship. Maine had thus far been represented in the Massachusetts house of representatives; henceforward she was to be governed as a province, according to the charter to Gorges. In obedience to an ordinance of the general court, the governor and assistants of Massachusetts^{1639.} proceeded to organize the government of Maine. The president and council were appointed by the magistrates of Massachusetts; at the same time, a popular legislative branch was established, composed of deputies from the several towns in the district. Danforth, the president, was a man of worth and republican principles; yet the pride of the province was offended by its subordination; the old religious differences had not lost their influence; and royalists and churchmen prayed for the interposition of the king.⁽¹⁾ Massachusetts was compelled to employ force to assert its sovereignty, which, nevertheless, was exercised with moderation and justice.⁽²⁾

The change of government in New Hampshire was^{1675.} less quietly effected. On the first apprehension that the claim of Mason would be revived, the infant people, assembling in town-meetings, expressed their content with the government of Massachusetts.

But the popular wish availed little in the decision of a question of law; the patent of Mason was duly investigated in England; it was found that he had no right to^{1677.} jurisdiction over New Hampshire; the unappropriated lands were allowed to belong to him; but the rights of the settlers to the soil which they actually occupied, were reserved for litigation in colonial courts.⁽³⁾

To further that end, a new jurisdiction was established; New Hampshire was separated from Massachusetts, and

(1) Sullivan's Maine, 384. Williamson, i. 557, &c. Hutch. Coll. Mass. Records, iv.

(2) Chalmers, 488: "No assembly, of which the representatives of the people composed a constituent part, was allowed, because none had been mentioned in the original grant." An assembly was regularly held. Williamson's Maine, i. 566, &c. The reason assigned is as unfounded as the statement in Chalmers. In the grant of 1639, the assent of the majority of the freeholders is required for all acts of legislation. Hazard, i. 445. It is true, the proprietary supremacy of Massachusetts was unpalatable to many. Willis's Portland, i. 158. Maine Hist. Collections, i. 302.

(3) Compare Letter of King Charles, in Mass. Hist. Coll. xxi. 72.

organized as a royal province. It was the first royal government ever established in New England. The 1679. king, reserving a negative voice to himself and his officers, engaged to continue the privilege of an assembly, unless he or his heirs should deem that privilege "an inconvenience."

The persons first named by the king to the offices of president and council, were residents of the colony, and friends to the colonists; but, perceiving that their appointment had no other object than to render the transition to a new form of government less intolerable, they accepted office reluctantly.

At length a general assembly was convened at 1680. Portsmouth. Its letter (1) to Massachusetts is a testimony of its gratitude. "We acknowledge your care for us,"—it was thus that the feeble colony addressed its more powerful neighbour,—“we thankfully acknowledge your kindness, while we dwelt under your shadow, owning ourselves deeply obliged that, on our earnest request, you took us under your government, and ruled us well. If there be opportunity for us to be anywise serviceable to you, we shall show how ready we are to embrace it. Wishing the presence of God to be with you, we crave the benefit of your prayers on us, who are separated from our brethren.”

The claims of affection having been acknowledged, the colony proceeded to assert its rights by a solemn decree, the first in their new code: "No act, imposition, law, or ordinance, shall be valid, unless made by the assembly and approved by the people." Thus did New Hampshire seize the earliest moment of its separate existence, to express the great principle of self-government, and take her place by the side of Massachusetts and Virginia. When the code of the infant government was transmitted to England, it was disapproved both for style and matter; and its provisions were rejected as incongruous and absurd. Nor was Mason successful in establishing his claims to the soil. The colonial government protected the colonists, and restrained his exactions.

Hastening to England to solicit a change, the proprietary was allowed to make such arrangement as promised auspicious results to his own interests. The scenes that occurred are instructive. Mason, a party in suits to be

(1) Adams's Portsmouth, 65—67. Belknap.

commenced, was authorized to select the person to be appointed governor. He found a fit agent in Edward Cranfield, a man who had no object in banishing himself to the wilds of America, but to wrest a fortune from the sawyers and lumber-dealers of New Hampshire. He avowed his purpose openly; and the moral tone of that day esteemed it no dishonour. But he insisted on good security. By a deed enrolled in chancery, Mason^{1682.} surrendered to the king one fifth-part of all quit-rents for the support of the governor, and gave to Cranfield a mortgage of the whole province for twenty-one years, as collateral security for the payment of his salary. Thus invested with an ample royal commission,⁽¹⁾ with the promise of a fixed salary, a fifth of all quit-rents, a mortgage of the province, and the exclusive right to the anticipated abundant harvest of fines and forfeitures, Cranfield deemed his fortune secure, and, relinquishing a profitable employment in England, embarked for the banks of the Piscataqua.

But the first assembly which he convened dispelled all his golden visions of an easy acquisition of fortune. To humour the governor, the "rugged" legislators voted him a gratuity of two hundred and fifty pounds, which the needy adventurer greedily accepted; but they would^{1683.} not yield their liberties; and the governor in anger dissolved the assembly.

The dissolution of an assembly was a novel procedure in New England. Such a thing had till now been unheard of. Popular discontent became extreme; and a crowd of rash men raised the cry for "liberty and reformation." The leader, Edward Gove, an unlettered enthusiast, was confined in irons, and condemned to the death that barbarous laws denounced against treason, and, having been transported to England, was for three years kept a prisoner in the Tower of London.

The lawsuits about land were multiplied. Packed juries and partial judges settled questions rapidly; but Mason derived no benefit from a decision in his favour, for he could neither get possession of the estates, nor find a purchaser.

Meantime, Cranfield, with a subservient council, began to exercise powers of legislation; and, like a greedy tenant whose lease is expiring, he still hoped to amass a

(1) Mass. Hist. Coll. v. 232.

fortune by taxes and arbitrary fees of office. Did the towns privately send an agent to England, Cranfield would tolerate no complaints; and Vaughan, who had been active in obtaining depositions, was required to find securities for good behaviour. He refused, declaring that he had broken no law; and the governor immediately imprisoned him.

^{1684.} Cranfield still sighed for money; and now stooping to falsehood, and hastily calling an assembly, on a vague rumour of an invasion, he demanded a sudden supply of the means of defence. The representatives of New Hampshire would not be hastened; they took time to consider; and, after debate, they negatived the bill which the governor had prepared.

Cranfield next resolved to intimidate the clergy, and forbade the usual exercise of church discipline. In Portsmouth, Moody, the minister, replied to his threats by a sermon, and the church was inflexible.

Cranfield next invoked the aid of the ecclesiastical laws of England, which he asserted were in force in the colony. The people were ordered to keep Christmas as a festival, and to fast on the thirtieth of January. But the capital stroke of policy was an order, that all persons should be admitted to the Lord's supper as freely as in the Episcopal or Lutheran church, and that the forms of the English liturgy should in certain cases be adopted. The order was disregarded.

That nothing might be wanting, the governor himself appointed a day on which he claimed to receive the elements at the hands of Moody, after the forms of the English church. Moody refused; was prosecuted, condemned, and imprisoned. Religious worship was almost entirely broken up in the colony. But the people did not yield; and Cranfield, vexed at the stubbornness of the clergy, gave information in England, that "while the clergy were allowed to preach, no true allegiance could be found."⁽¹⁾ It had long been evident, "there could be no quiet, till the factious preachers were turned out of the province."

One more attempt was made to raise an income, by means of taxes imposed by the vote of the subservient council. That the people might willingly pay them, a rumour of a war with the Eastern Indians was spread

(1) Chalmers, 497, 510.

abroad; and Cranfield made a visit to New York, under pretence of concerting measures with the governor of that province. The English ministry was also informed that his Majesty's service required the presence of a ship-of-war. The committee of plantations had been warned, that "without some visible force to keep the people of New Hampshire under, it would be a difficult or impossible thing to execute his Majesty's commands, or the laws of trade."

But the yeomanry were not terrified; illegal taxes could not be gathered; associations were formed for mutual support in resisting their collection. At Exeter, the sheriff was driven off with clubs, and the farmers' wives had prepared hot water to scald his officer, if he had attempted to attach property in the house. At Hampton, he was beaten, robbed of his sword, seated upon a horse, with a rope round his neck, and conveyed out of the province. If rioters were committed, they were rescued by a new riot; if the troop of horse of the militia were ordered out, not a man obeyed the summons.

Cranfield, in despair, wrote imploringly to the government in England, "I shall esteem it the greatest happiness in the world to be allowed to remove from these unreasonable people. They cavil at the royal commission, and not at my person. No one will be accepted by them, who puts the king's commands in execution."

The conduct of Cranfield met with the entire approbation of the lords of trade; he was allowed to withdraw from the province; but the government in England had no design of ameliorating the political condition of the colonists.

The character of New Hampshire, as displayed in this struggle for freedom, remained unchanged. It was ever esteemed in England "factious in its economy, affording no exemplary precedents" to the friends of arbitrary power.

Massachusetts might, perhaps, still have defied the king, and escaped or overawed the privy council; but the merchants and manufacturers of England, fearing the colony as their rival, possessed intelligence to discern how their monopoly might be sustained, and perseverance to press steadily towards their object. Their complaints had
1675. been received with favour; their selfish reasoning was heard with a willingness to be convinced; and the

English statesmen who maintained the absolute sovereignty of parliament, must have esteemed Massachusetts without excuse.

The agents of Massachusetts had brought with 1676. them no sufficient power; an amnesty for the past would readily have been conceded; for the future, it was resolved to reduce Massachusetts to "a more palpable dependence." That this might be done with the consent of the colony, the agents were enjoined to procure larger powers. But no larger powers were granted.

It was against fearful odds that Massachusetts continued the struggle. All England was united. Whatever party triumphed, the mercantile interest would readily procure an enforcement of the laws of trade. "The country's neglect of the Acts of Navigation," wrote the agents, "has been the most unhappy neglect. Without a compliance in that matter, nothing can be expected but a total breach." "All the storms of displeasure" would be let loose.

It was not, therefore, a surprise, when the committee of plantations raised the question, whether the original charter had any legal entity. The crown, however, would not deny the validity of the patent, but suggested the avoiding it by a *quo warranto*.

The colony resolved, if it must fall, to fall with dignity. Religion had been the motive of the settlement; religion was now its counsellor. The fervours of the most ardent devotion were kindled; a more than usually solemn form of religious observance was adopted; a synod of all the churches in Massachusetts was convened, to inquire into the causes of the dangers to New England liberty, and the mode of removing the evils. Historians have mentioned this incident with levity; no more fit mode could have been devised to awaken the attention of every individual in the commonwealth to a consideration of the subject.

1678, Meantime, the general court had enacted several 1679. laws, partially removing the ground of complaint. But they related to forms, rather than to realities. High treason was made a capital offence; the oath of allegiance was required; the king's arms were put up in the court-house. But it was more difficult to conform to the laws of trade. The colony was unwilling to forfeit its charter and its religious liberties on a pecuniary question; and yet, to acknowledge its readiness to submit to an act of parlia-

ment, was regarded as a cession of the privilege of independent legislation. It devised, therefore, an expedient. It declared that "the Acts of Navigation were an invasion of the rights and privileges of the subjects of his Majesty in the colony, they not being represented in parliament." "The laws of England," they add, "do not reach America." In connection with this declaration, the general court gave validity to the laws of navigation by an act of its own.

Such is the renewed direct denial, on the part of a colony, of the supremacy of parliament, on the ground of a want of representation. Massachusetts adopted towards Charles II. the same views which she had successfully avowed to the English nation in the days of the Long Parliament.

The troubles connected with the popish plot delayed the settlement of the affairs of New England. The ^{1679.} agents, Stoughton and Bulkley, returned in 1679, and reached Boston in December. With them came Randolph, now appointed an officer of the customs. The new command of the king, that other agents should be sent over with unlimited powers, was disregarded. It was evident the subversion of the charter was designed.

Twice did Charles II. remonstrate against the disobedience of his subjects; twice did Randolph cross the Atlantic, and return to England, to assist in directing the government against Massachusetts. The commonwealth ^{1682.} was inflexible. At length, in February, 1682, the aspect of affairs in England rendered delay more dangerous; and Dudley and Richards were selected as agents. Yet, while the prayers of the whole commonwealth went up for their safety, and the safety of the patent, they were expressly enjoined to consent to nothing that should infringe the privileges of the government established under the charter. A singular method was also attempted. In the English court everything was venal. France had succeeded in bribing the king to betray the political interests of England; Massachusetts was willing to bribe the monarch into clemency towards its liberties.

The commission of the deputies was not acceptable. They were ordered to obtain full powers for the entire regulation of the government, and the threat of a judicial process was renewed. The agents represented the condition of the colony as desperate. A general war against

corporations was begun; many cities in England had surrendered. Was it not safest for the colony to decline a contest, and throw itself upon the favour or forbearance of the king? Such was the theme of universal discussion throughout the colony; the common people spoke of it at their firesides; the topic went with them to church; it entered into their prayers; it filled the sermons of the ministers; and, finally, Massachusetts resolved, in a manner that showed it to be distinctly the sentiment of the people, to resign the territory of Maine, which was held by purchase, but not to concede one liberty or one privilege which was held by charter. If liberty was to receive its death-blow, better that it should die by the violence and injustice of others, than by their own weakness.

1683. The message closed the duties of the agents. *A quo warranto* was issued; Massachusetts was arraigned before an English tribunal, under judges holding their office at the pleasure of the crown; and Randolph, the hated messenger, arrived with the writ. At the same time, a declaration from the king asked once more for submission, promising as a reward the royal favour, and the fewest alterations in the charter consistent with the support of a royal government.

The people of Massachusetts had been close observers of events in England. They had seen a popular party, of which Shaftesbury assumed the guidance, and of which the House of Commons was the scene of victories, rise, act, and become defeated. They had seen Charles II. gradually establish despotic power. They had seen the people of England apparently acquiescing in the subjection of parliament. An insurrection had indeed been planned; the doctrine had indeed been whispered, that resistance to oppression was lawful. But the doctrine had been expiated by the blood of Sidney and of Russell; and the colonists knew, that, on the very day of the death of Russell, the University of Oxford, recalling the days of Henry VIII., and asserting an historical fact rather than a principle, had declared "*submission* and obedience, clear, absolute, and without exception, to be the badge and character of the church of England." They knew that many cities of England had surrendered their charters; that London itself, the metropolis which had sheltered Hampden against Charles I., had found resistance ineffectual; and to render submission in Massachusetts easy,

by showing that opposition was desperate, two hundred copies of the proceedings against London were sent over to be dispersed among the people. The governor and assistants, the patrician branch of the government, were persuaded of the hopelessness of further resistance ; even a tardy surrender of the charter might conciliate the monarch. They therefore resolved to remind the king of his promises, and “not to contend with his Majesty in a court of law ;” they would “send agents, empowered to receive his Majesty’s commands.”

The magistrates referred this vote to “their brethren the deputies” for concurrence. During a full fortnight the subject was debated, that a decision might be made in harmony with the people.

“Ought the government of Massachusetts,” thus it was argued, “submit to the pleasure of the court, as to alteration of their charter? Submission would be an offence against the majesty of Heaven ; the religion of the people of New England and the court’s pleasure cannot consist together. By submission Massachusetts will gain nothing. The court design an essential alteration, destructive to the vitals of the charter. The corporations in England that have made an entire resignation, have no advantage over those that have stood a suit in law ; but if we maintain a suit, though we should be condemned, we may bring the matter to chancery or to a parliament, and in time recover all again. We ought not to act contrary to that way, in which God hath owned our worthy predecessors, who, in 1638, when there was a *quo warranto* against the charter, durst not submit. In 1664, they did not submit to the commissioners. We, their successors, should walk in their steps, and so trust in the God of our fathers, that we shall see his salvation. Submission would gratify our adversaries and grieve our friends. Our enemies know it will sound ill in the world, for them to take away the liberties of a poor people of God in a wilderness. A resignation will bring slavery upon us sooner than otherwise it would be ; and will grieve our friends in other colonies, whose eyes are now upon New England, expecting that the people there will not, through fear, give a pernicious example unto others.

“Blind obedience to the pleasure of the court cannot be without great sin, and incurring the high displeasure of the King of Kings. Submission would be contrary unto

that which has been the unanimous advice of the ministers, given after a solemn day of prayer. The ministers of God in New England have more of the spirit of John Baptist in them, than now, when a storm hath overtaken them, to be reeds, shaken with the wind. The priests were to be the first that set their foot in the waters, and there to stand till the danger be past. Of all men, they should be an example to the Lord's people, of faith, courage, and constancy. Unquestionably, if the blessed Cotton, Hooker, Davenport, Mather, Shepherd, Mitchell, were now living, they would, as is evident from their printed books, say—Do not sin, in giving away the inheritance of your fathers.

“Nor ought we to submit without the consent of the body of the people. But the freemen and church-members throughout New England will never consent hereunto. Therefore, the government may not do it.

“The civil liberties of New England are part of the inheritance of their fathers; and shall we give that inheritance away? Is it objected, that we shall be exposed to great sufferings? Better suffer than sin. It is better to trust the God of our fathers, than to put confidence in princes. If we suffer, because we dare not comply with the wills of men against the will of God, we suffer in a good cause, and shall be accounted martyrs in the next generation and at the great day.”(1)

The decision of the colony, by its representatives, is on record. “The deputies consent not, but adhere to their former bills.”

Addresses were forwarded to the king, urging forbearance; but entreaty and remonstrance were vain. A
 1684. *scire facias* was issued in England; and before the colony could act upon it, just one year and six days after the judgment against the city of London, the charter was conditionally adjudged to be forfeited; and the judgment
 1685. was confirmed on the first day of the Michaelmas term. A copy of the judgment was received in Boston in July of the following year.

Thus fell the charter, which the fleet of Winthrop had brought to the shores of New England, which had been cherished with anxious care through every vicissitude, and on which the fabric of New England liberties had rested.

(1) Mass. Hist. Coll. xxi. 74—81. Every word, unless it be some small connecting words, is taken exactly from the old Hutchinson papers. I have omitted some things, but have not added a line.

There was now no barrier between the people of Massachusetts and the absolute will of the court of England. Was religion in danger? Was landed property secure? Would commercial enterprise be paralyzed by restrictions? Was New England destined to learn from its own experience the nature of despotism? Gloomy forebodings overspread the colony.

CHAPTER XIII.

SHAFTESBURY AND LOCKE LEGISLATE FOR CAROLINA.

MEANTIME civilization had advanced at the south, and twin stars were emerging beyond the limits of Virginia. The country over which Soto had rambled in quest of gold, where Calvinists, befriended by Coligny, had sought a refuge, and where Raleigh had hoped to lay the foundations of colonial principalities, was beginning to submit to the culture of civilization.

Massachusetts and Carolina were both colonized under proprietary charters, and of both the charters were subverted; but while the proprietaries of the former were emigrants themselves, united by the love of religious liberty, the proprietaries of the latter were a company of English courtiers, combined for the purpose of a vast speculation in lands. The government established in Massachusetts was essentially popular, and was the growth of the soil; the constitution of Carolina was invented in England. Massachusetts was originally colonized by a feeble band of suffering yet resolute exiles, and its institutions were the natural result of the good sense and instinct for liberty of an agricultural people; Carolina was settled under the auspices of the wealthiest and most influential nobility, and its fundamental laws were framed with forethought by the most sagacious politician and the most profound philosopher of England. The king, through an obsequious judiciary, annulled the government of Massachusetts; the colonists repudiated the constitutions of Carolina. The principles of the former possessed an inherent vitality, which nothing has yet been able to destroy; the frame of the latter, as it disappeared, left no trace of its transitory existence, except in the institutions which sprung from its decay.

The reign of Charles II. was not less remarkable for the rapacity of the courtiers, than for the debauchery of the monarch. The southern part of our republic, ever regarded as capable of producing all the staples that thrive on the borders of the tropics, was coveted by statesmen who controlled the whole patronage of the British realms. The province of Carolina, extending from the thirty-sixth degree of north latitude to the river San Matheo,
 1663. was accordingly erected into one territory; and the historian Clarendon, the covetous though experienced minister, hated by the people, faithful only to the king; (1) Monk, so conspicuous in the restoration, and now ennobled as Duke of Albemarle; Lord Craven, (2) a brave Cavalier, an old soldier of the German discipline, supposed to be husband to the Queen of Bohemia; Lord Ashley Cooper, afterwards Earl of Shaftesbury; Sir John Colleton, a royalist of no historical notoriety; Lord John Berkeley, with his younger brother, (3) Sir William Berkeley, the governor of Virginia; and the passionate, and ignorant, and not too honest Sir George Carteret, (4)—were constituted its proprietors and immediate sovereigns. Their authority was nearly absolute; nothing was reserved but a barren allegiance. Avarice is the vice of declining years; most of the proprietaries were past middle life. They begged the country under pretence of “a pious zeal for the propagation of the gospel;” and their sole object was the increase of their own wealth and dignity. (5)

The grant had hardly been made before it became apparent that there were competitors, claiming possession of the same territory. It was included by the Spaniards within the limits of Florida; and the castle of St. Augustine was deemed proof of the actual possession of an indefinite adjacent country. Spain had never formally acknowledged the English title to any possessions in
 1667. America; and, when a treaty was finally concluded at Madrid, it did but faintly concede the right of England to her transatlantic colonies, and to a continuance of commerce in “the accustomed seas.”

And not Spain only claimed Carolina. In 1630, a patent

(1) Pepys, i. 192, 366. Evelyn.

(2) Life of Lord Keeper Guilford, 393. Pepys, i. 115.

(3) Morryson, in Burk, iii. 266.

(4) Pepys, i. 356, 140, 235, 236, 228, 176, and Grahame's U. S. ii. 317.

(5) The two Charters to the Proprietors of Carolina, small 4to.

for all the territory had been issued to Sir Robert Heath; and there is room to believe that, in 1639, permanent plantations were planned and perhaps attempted by his assign.(1) William Hawley appeared in Virginia as "governor of Carolina," the land between the thirty-first and thirty-sixth parallels of latitude; and leave was granted by the Virginia legislature, that it might be colonized by one hundred persons from Virginia, "freemen, being single, and disengaged of debt." (2) The attempts were certainly unsuccessful, for the patent was now
 1663. declared void, because the purposes for which it was granted had never been fulfilled.(3)

More stubborn rivals were found to have already (4)
 1660. or planted themselves on the river Cape Fear. Hardly
 1651. had New England received within its bosom a few scanty colonies, before her citizens and her sons began roaming the continent and traversing the seas in quest of untried fortune. A little bark, navigated by New England men, had hovered off the coast of Carolina; they had carefully watched the dangers of its navigation; had found their way into the Cape Fear river; had purchased of the Indian chiefs a title to the soil, and had boldly planted a little colony of herdsmen far to the south of any English settlement on the continent. Already they had partners
 1663. in London, and hardly was the grant of Carolina made known, before their agents pleaded their discovery, occupancy, and purchase, as affording a valid title to the soil, while they claimed the privileges of self-government as a natural right.(5) A compromise was offered; and the proprietaries, in their "proposals to all that would plant in Carolina," promised emigrants from New England religious freedom, a governor and council, to be elected from among a number whom the emigrants themselves should nominate, a representative assembly, independent legislation, subject only to the negative of the proprie-

(1) Hening, i. 552. Records in the office of the general court at Richmond, labelled No. 1, 1639—1642, p. 70.

(2) Richmond Records, No. 1, 1639—1642, p. 93.

(3) Williamson's N. C. i. 84, 85. Berkeley, *ibid.* 255. Martin, i. 94, 125. Chalmers, 515.

(4) Lawson's Description, p. 73: "In the year 1661, or thereabouts." Martin, i. 126, 1659. Williamson, i. 95, 1660. Again, Martin, i. 137, contradicts himself, and says 1660.

(5) Mass. Hist. Coll. xxi. 55—59. Martin, i. 116, 117, 126. Letter in Williamson, i. 256.

taries, land at a rent of a halfpenny an acre, and such freedom from customs as the charter would warrant.(1) Yet the lands round Cape Fear were not inviting to men who could choose their abodes from the whole wilderness ; the herds, and the fields in which they browsed, were for a season abandoned to the care of friendly Indians ;(2) and the emigrants, revisiting their former homes, “ spread a reproach on the harbour and the soil.”(3) But the colony was not at once wholly deserted ; and if its sufferings became extreme, Massachusetts, the young mother of colonies, not indifferent to the fate of her children, listened to their prayer “ for some relief in their distress,” and ministered to their wants by a general contribution^{1667.} through her settlements.(4) If the infant town planted on Oldtown Creek, near the south side of Cape Fear river, did not prosper,(5) New England planters and New England principles of popular liberty remained in North Carolina ;(6) and to them may fairly be traced something of the resolute spirit for which the colony was distinguished. Yet they were not the sole cause of “ the distractions ” which ensued ; nature herself prompts and encourages the love of freedom.

Loftiness of station does not change selfish passion. The conditions offered to the colony of Cape Fear “ were not intended for the meridian ” of Virginia. “ There,” said the proprietaries, in their instructions to Sir William Berkeley, “ we hope to find more facile people ” than the New England men. Yet they intrusted the affair entirely to Sir William’s management. He was to get settlers as cheaply as possible ; yet, at any rate, to get settlers.(7)

Like Massachusetts, Virginia was the mother of a cluster of states ; like the towns of New England, the plantations of Virginia extended along the sea. The country on Nansemond River had been settled as early as 1609 ; in 1622, the adventurous Porey, then secretary of the Old Dominion, travelled overland to the South River, Chowan, and, on his return, celebrated the kindness of the native people, the fertility of the country,

(1) Chalmers, 518.

(2) Journal of Gentlemen from Barbadoes, in Lawson, 72, 73. Martin, i. 137.

(3) Mass. Hist. Coll. xxi. 58.

(4) Massachusetts Records for May, 1667, in vol. iv. Compare Hutchinson, i. 238.

(5) Lawson, 73, 74. Williamson, i. 95 and 91.

(6) Chalmers, 516, gives all the honour to New England.

(7) Williamson, i. 256.

and the happy climate, that yielded two harvests in each year.(1) If no immediate colonization ensued, if the plans formed in England by Sir Robert Heath, or by Lord Maltravers, Heath's assign, were never realized, the desire of extending the settlements to the south still prevailed in Virginia; and twenty years after the excursion of Porey, a company that had heard of the river that lay south-west of the Appomatox, petitioned, and soon obtained leave of the Virginia legislature, to prosecute the discovery, under the promise of a fourteen years' monopoly of the profits.(2) Exploring parties to the south not less than to the west, to Southern Virginia, or Carolina,(3) the early name, which had been retained in the days of Charles I. and of Cromwell, and which was renewed under Charles II.,(4) continued to be encouraged by similar grants. Clayborne,(5) the early trader in Maryland, still cherished a fondness for discovery; and the sons of Governor Yeardley(6) wrote to England with exultation, that the northern country of Carolina had been explored by "Virginians born."

We are not left to conjecture, who of the inhabitants of Nansemond of that day first traversed the intervening forests and came upon the rivers that flow into Albemarle Sound. The company was led by Roger Green, and his services were rewarded by the grant of a thousand acres, while ten thousand acres were offered to any hundred persons who would plant on the banks of the Roanoke, or on the south side of the Chowan and its tributary streams.(7) These conditional grants seem not to have taken effect; yet the enterprise of Virginia did not flag; and Thomas Dew, once the speaker of the assembly, formed a plan for exploring the navigable rivers still further to the south, between Cape Hatteras and Cape Fear.(8) How far this spirit of discovery led to immediate emigration, it is not possible to determine. The county of Nansemond had long abounded in non-

(1) Smith's Virginia, ii. 64.

(2) Hening, i. 262. Williamson, i. 91: "For more than twenty years," &c. Had Williamson for his opinion other grounds than this act, which, however, does not sustain his statement? He cites no authority.

(3) Thurloe, ii. 273, 274. Hening, i. 552.

(4) Compare Carolina, by T. A., 1682, p. 3.

(5) Hening, i. 377.

(6) Thurloe, ii. 273, 274. Letter of Francis Yeardley to John Farrar.

(7) Hening, i. 380, 381.

(8) Ibid. 422.

conformists; (1) and it is certain the first settlements on Albemarle Sound were a result of spontaneous overflowings from Virginia. Perhaps a few vagrant families were planted within the limits of Carolina (2) before the restoration. At that period, men who were impatient of interference, who dreaded the enforcement of religious conformity, who distrusted the spirit of the new government in Virginia, plunged more deeply into the forests. It is known that, in 1662, the chief of the Yeopim Indians granted to George Durant (3) the neck of land which still bears his name; (4) and, in the following year, 1663. George Cathmaid could claim from Sir William Berkeley a large grant of land upon the Sound, as a reward for having established sixty-seven persons in Carolina. (5) This may have been the oldest considerable settlement; there is reason to believe that volunteer emigrants had preceded them. (6) In September, the colony had attracted the attention of the proprietaries, and Berkeley was commissioned to institute a government over the region, which, in honour of Monk, received the name that time has transferred to the bay. The plantations were chiefly on the north-east bank of the Chowan; and, as the mouth of that river is north of the thirty-sixth parallel of latitude, they were not included in the first patent of Carolina. Yet Berkeley, who was but governor of Virginia, and was a joint proprietary of Carolina, obeyed his interest as landholder more than his duty as governor; and, severing the settlement from the Ancient Dominion, established a separate government over men who had fled into the woods for the enjoyment of independence, and who had already, at least in part, obtained a grant of their lands from the aboriginal lords of the soil.

Berkeley did not venture to discuss the political prin-

(1) Winthrop, ii. 334. Johnson's Wonderw. Prov. B. iii. c. xi.

(2) Williamson, i. 79, 91, and note on 93. Williamson cites no authorities. The accounts in the historians of North Carolina are confused. As far as I can learn, no memorials of the earliest settlers remain. I have no document older than 1663, and no exact account, which I dare trust, older than 1662.

(3) Winthrop, ii. 334, speaks of Mr. Durand, of Nansemond, elder of a Puritan "very orthodox church," in that county, and banished from Virginia in 1648, by Sir William Berkeley. Were the exile and the colonist in any way connected?

(4) MSS. communicated by D. L. Swain, governor of North Carolina, in 1835.

(5) MSS. from D. L. Swain.

(6) Chalmers, 519, "For some years."

ciples or dispute the possessions of these bold pioneers. He appointed William (1) Drummond, an emigrant to Virginia (2) from Scotland, (3) probably a Presbyterian, a man of prudence and popularity, deeply imbued with the passion for popular liberty, (4) to be the governor of Northern Carolina; and, instituting a simple form of government, a Carolina assembly, (5) and an easy tenure of lands, he left the infant people to take care of themselves; to enjoy liberty of conscience and of conduct in the entire freedom of innocent retirement; to forget the world, till rent-day drew near, and quit-rents might be demanded. (6) Such was the origin of fixed settlements in North Carolina. The child of ecclesiastical oppression was swathed in independence.

But not New England and Virginia only turned their eyes to the southern part of our republic. Several planters of Barbadoes, dissatisfied with their condition, and desiring to establish a colony under their own exclusive direction, despatched a vessel to examine the country. What other report could be made by the careful leaders of the expedition, than that the climate was agreeable, and the soil of various qualities; that game abounded; that the natives were ready to promise peace? (7) They purchased of the Indians a tract of land thirty-two miles square, on Cape Fear river, near the neglected settlement of the New Englanders, and their employers begged of the proprietaries a confirmation of the purchase, and a separate charter of government. Not all their request was granted; yet liberal terms were proposed; and Sir John Yeamans, the son of a Cavalier, a needy baronet, who, to mend his fortune, had become a Barbadoes planter, was appointed

(1) *William*. Martin, i. 138, says *George Drummond*. Hening, ii. 226, Act i. identifies the man, and settles the question. Williamson, i. 119, is even more inaccurate than Martin; he says Drummond died in the colony. So carelessly has the history of N. C. been written, that the name, the merits, and the end of its first governor were not known.

(2) Hening, i. 549; ii. 158.

(3) Sir Wm. Berkeley's List, &c., copied by Greenhow, published by P. Force, 1835. "Drummond, a Scotchman."

(4) Berkeley, as above. And a Narrative of the Indian and Civil Wars in Virginia, in Mass. Hist. Coll. xi. 79, in Force's edition, p. 46.

(5) Richmond Records, No. 3, 1663—1668, 348—353: "Wm. Drummond, governor of Carolina, and the assembly there" (p. 349). This was July 12, 1666.

(6) Chalmers, 520.

(7) The account is reprinted in Lawson, 65—73. Martin, 180, &c., less perfectly.

governor, with a jurisdiction extending from Cape Fear to the St. Matheo. The country was called Clarendon. "Make things easy to the people of New England, from thence the greatest supplies are expected;" such were his instructions. Under an ample grant of liberties for the colony, he conducted, in the autumn of 1665, a band of emigrants from Barbadoes, and on the south bank of Cape Fear river laid the foundation of a town, which flourished so little, that its site is at this day a subject of dispute.⁽¹⁾ Yet the colony, barren as were the plains around them, made some advances; it exported boards, and shingles, and staves, to Barbadoes. The little traffic was profitable, and was continued; emigration increased; the influence of the proprietaries fostered its growth; it absorbed the remains of the New England settlement; and it is said that, in 1666, the plantation already contained eight hundred souls. Many preferred it, as a place of residence, to Barbadoes, and Yeamans, who understood the nature of colonial trade, managed its affairs without reproach.⁽²⁾

Meantime the proprietaries, having collected minute information respecting the coast, had learned to covet an extension of their domains; and, indifferent to the claims of Virginia, and in open contempt of the garrison of Spain at St. Augustine, the covetous Clarendon and his associates easily obtained from the king a new charter, which granted to them, from the Atlantic to the Pacific Ocean, all the land lying between twenty-nine degrees and thirty-six degrees thirty minutes, north latitude; a territory extending seven and a half degrees from north to south, and more than forty degrees from east to west; comprising all the territory of North and South Carolina, Georgia, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, much of Florida and Missouri, nearly all of Texas, and a large portion of Mexico. The soil, and, under the limitation of a nominal allegiance, the sovereignty also, were theirs, with the power of legislation, subject to the consent of the future freemen of the colony. The grant of privileges was ample, like those to Rhode Island and Connecticut. An express clause in the charter for Carolina opened the way for religious freedom; another held out to the proprietaries a hope of

(1) See Lawson's Map. Martin, i. 142, 143.

(2) Williamson, i. 100.

revenue from colonial customs, to be imposed in colonial ports by Carolina legislatures; another gave them the power of erecting cities and manors, counties and baronies, and of establishing orders of nobility, with other than English titles. It was evident that the founding of an empire was contemplated; for the power to levy troops, to erect fortifications, to make war by sea and land on their enemies, and to exercise martial law in cases of necessity, was not withheld. Every favour was extended to the proprietaries; nothing was neglected but the interests of the English sovereign and the rights of the colonists.⁽¹⁾

Thus the most ample privileges and territories were conferred on the corporation of eight; had the lands been divided, each would have received a vast realm for his
^{1648.} portion. Yet, when William Sayle, of the Summer Islands, who, long before, had attempted to plant a colony of Puritans from Virginia in the Bahama Isles,⁽²⁾ returned from a later voyage of discovery, which had embraced
^{1667.} the isles in the Gulf of Florida,⁽³⁾ of these, too, the "Eleutheria" of a former day, then almost a desert, comprising the land in America on which Columbus first kneeled, and including all the islands within a belt of five degrees, possession was solicited and obtained.

With the new charters, the designs of the company expanded. The germs of colonies already existed; imagination encouraged in futurity every extravagant anticipation.
^{1668.} It was deemed proper to establish a form of government commensurate in its dignity with the auspices of the colony and the vastness of the country; Clarendon was no longer in England; and Ashley Cooper, Earl of Shaftesbury, the most active and the most able of the incorporators, was deputed to frame for the dawning states a perfect constitution, worthy to endure throughout all ages.

Shaftesbury was at this time in the full maturity of his genius; celebrated for eloquence, philosophic genius, and sagacity; high in power, and of aspiring ambition. Born to great hereditary wealth, the pupil of Prideaux had given his early years to the assiduous pursuit of knowledge; the intellectual part of his nature had from boyhood obtained the mastery over the love of indulgence and luxury. Connected with the great landed aristocracy of

(1) Carolina Charters, &c. Reprinted often. Williamson, i. 230.

(2) Winthrop, ii. 324, 335.

(3) Hewat's S. Carolina, i. 48.

England, cradled in politics, and chosen a member of parliament at the age of nineteen, his long public career was chequered by the greatest varieties of success. It is a very common error of the incurious observer, to attribute frequent change to statesmen who have held the helm in seasons of vicissitudes; and Shaftesbury, whose political career merits severe reprobation, has been charged with repeated derelictions. But men of great mental power, though they may often change the instruments which they employ, change their principles and their purposes rarely. The party connections of Shaftesbury were affected by the revolutions of the times; but he has been falsely charged with political inconsistency. He often changed his associates, never his purposes; (1) alike the enemy to absolute monarchy and to democratic influence, he resolutely connected his own aggrandizement with the privileges and interests of British commerce, of Protestant religious liberty, and of the landed aristocracy of England. In the Long Parliament, Shaftesbury acted with the people against absolute power; but, while Vane adhered to the parliament from love of popular rights, Shaftesbury adhered to it as the guardian of aristocratic liberty. Again, under Cromwell, Shaftesbury was still the opponent of arbitrary power. At the restoration, he would not tolerate an agreement with the king; such agreement, at that time, could not but have been democratic, and adverse to the privileges of the nobility; which, therefore, in the plenitude of the royal power, sought an ally against the people. When Charles II. showed a disposition to become, like Louis XIV., superior to the gentry as well as to the democracy, Shaftesbury immediately joined the party opposed to the ultra royalists, not as changing his principles, (2) but from hostility to the supporters of prerogative. The party which he represented, the great aristocracy of wealth, had to sustain itself between the people on one side, and the monarch on the other. The "nobility" was, in his view, the "rock" of "English principles;" (3) the power of the peerage, and of arbitrary monarchy, were "as two buckets, of which one goes down

(1) *Constantia, fide, vix parem alibi invenias, superiorem certe nulli.* Locke's Epitaph on Shaftesbury. Locke, ix. 281.

(2) Pepys, i. 219. But Dryden writes: "Restless, unfixed in principles and place." This is true of his party connections, not his principles.

(3) "A Letter from a Person of Quality to his Friend in the Country," in Locke, x. 226, 242.

exactly as the other goes up.”(1) In the people of England, as the depository of power and freedom, Shaftesbury had no confidence; his system protected wealth and privilege; and he desired to deposit the conservative principles of society in the exclusive custody of the favoured classes. Cromwell had proposed, and Vane had advocated, a reform in parliament; Shaftesbury hardly showed a disposition to diminish the influence of the nobility over the lower house.(2)

Such were the political principles of Shaftesbury; and his personal character was analogous. He loved wealth, without being a slave to avarice; and, though he would have made no scruple of “robbing the devil or the altar,”(3) he would not pervert the course of judgment, or be bribed into the abandonment of his convictions.(4) If, as lord chancellor, he sometimes received a present, his judgment was never suspected of a bias. Quick to discern the right, and careless of precedents, usages, and bar-rules, he was prompt to render an equitable decision. Everybody applauded, but the lawyers; they censured the contempt of ancient forms; the diminished weight of authority, and the neglect of legal erudition; the historians, the poets, common fame, even his enemies, declared that never had a judge possessed more discerning eyes, or cleaner hands;

“Unbribed, unbought, the wretched to redress,
Swift of despatch, and easy of access.”

In changing friendships, he never betrayed the confidence of former friends; and the changes were a consequence of his principles, not of his ambition. Even his enemies allowed, that, as a royalist minister, he might have “freely gathered the golden fruit;” but he disdained the monarch’s favour, and stood firmly by the vested rights of his order.

In person, he was small, and of that peculiar organization which is alike irritable and versatile. It belongs to such a man to have cunning, rather than wisdom; celerity, rather than dignity; the very high powers of abstraction and generalization, rather than the still higher power of

(1) Pepys, i. 219.

(2) “As to making Shaftesbury a friend to our ideas of liberty, it is impossible, at least in my opinion. Yet he is very far from being the devil he is described.” C. J. Fox. See introduction to Fox’s History of James II. p. 50.

(3) Pepys, i. 366.

(4) Evelyn, ii. 361, asserts positively that Shaftesbury did not advise the king to invade the exchequer. Lingard is severe in his judgment.

successful action. He transacted business with an admirable ease and mastery,(1) for his lucid understanding delighted in general principles ; but he could not successfully control men, for he had neither conduct in the direction of a party, nor integrity in the choice of means. He would use a prejudice as soon as an argument ; would stimulate a superstition as soon as wake truth to the battle ; would flatter a crowd or court a king. Having debauched his mind into a contempt for the people, he attempted to guide them by inflaming their passions.

This contempt for humanity punishes itself ; Shaftesbury was destitute of the healthy judgment which comes from sympathy with his fellow-men. Alive to the force of an argument, he never could judge of its effect on other minds ; his subtle wit, prompt to seize on the motives to conduct, and the natural affinities of parties, could not discern the moral obstacles to new combinations. He had no natural sense of propriety ; he despised gravity, as, what indeed it often is, the affectation of dulness ; and thought it no condescension to charm by drollery. Himself without any veneration for prejudice or prescriptive usage, he never could estimate the difficulty of abrogating a form or overcoming a prejudice. His mind regarded purposes and results ; and he did not so much defy appearances as rest ignorant of their power ; an indifference, which, in some respects, was an immorality. Desiring to exclude the Duke of York from the throne, no delicacy of sentiment restrained him from proposing the succession to the uncertain issue of an abandoned woman, who had once been mistress to the king ; and he saw no cruelty in urging Charles II. to a divorce from a confiding wife, who had no blemish but barrenness.

The same want of common feeling, joined to a surprising mobility, left Shaftesbury in ignorance of the energy of religious convictions. Sceptics are apt to be superstitious ; the organization that favours the moral restlessness of perpetual doubt often superinduces a nervous timidity. Shaftesbury was indifferent to religion ; his physical irritability made him not indifferent to superstition. He would not fear God, but he watched the stars ; he did not receive Christianity, and he could not reject astrology.

Excellent in counsel, Shaftesbury was poor as an executive agent. His restless spirit fretted at delay, and

(1) Pepys, i. 222 ; or Shaftesbury. Compare, also, North and Burnet.

grew feverish with impatient waiting. His eager impetuosity betrayed the designs of the poor dissimulator; and, when unoccupied, his vexed and anxious mind lost its balance, and planned desperate counsels. In times of tranquillity, the crafty intriguer was too passionate for success; but when the storm was really come, and old landmarks were washed away, and the wonted lights in the heavens were darkened, Shaftesbury was a daring and successful statesman; for he knew how to evolve a rule of conduct from general principles.

At a time when John Locke was unknown to the world, the sagacity of Shaftesbury had detected the deep riches of his mind, and selected him for a bosom friend and adviser in the work of legislation for Carolina. Locke was at this time in the midway of life, adorning the clearest understanding with the graces of gentleness, good humour, and beautiful ingenuousness. Of a sunny disposition, he could be choleric without malice, and gay without levity. Like the younger Winthrop, he was a most dutiful son. In dialectics he was unparalleled, except by his patron. His lucid mind despised the speculations of a twilight philosophy, esteeming the pursuit of truth the first object of life, and its attainment as the criterion of dignity; and therefore he never sacrificed a conviction to an interest. The ill success of the democratic revolution of England had made him an enemy to popular innovations. He had seen the commons of England incapable of retaining the precious conquest they had made; and being neither a theorist like Milton, nor a Tory like Tillotson, he cherished what at that day were called English principles; looking to the aristocracy as the surest adversaries of arbitrary power. He did not, like Sidney, sigh for the good old cause of a republic; nor, like Penn, confide in the instincts of humanity; but regarded the privileges of the nobility as the guarantees of English liberties. Emphatically free from avarice, he could yet, as a political writer, deify liberty under the form of wealth; to him slavery seemed no unrighteous institution; and he defines(1) "political power to be the right of making laws for regulating and preserving property." Destitute of enthusiasm of soul, he had no kindling love for ideal excellence. He abhorred the designs, and disbelieved the promises, of democracy; he could sneer at the enthusiasm

(1) Locke, of Civil. Gov. b. ii. c. i.

of Friends. Unlike Penn, he believed it possible to construct the future according to the forms of the past. No voice of God within his soul called him away from the established usages of England; and, as he went forth to lay the foundations of civil government in the wilderness, he bowed his mighty understanding to the persuasive influence of Shaftesbury.(1)

But the formation of political institutions in the United States was not effected by giant minds, or "nobles after the flesh." American history knows but one avenue to success in American legislation—freedom from ancient prejudice. The truly great lawgivers in our colonies first became as little children.(2)

In framing constitutions for Carolina, Locke forgot the fundamental principles of practical philosophy. There can be no such thing as a creation of laws; for laws are but the arrangement of men in society, and good laws are but the arrangement of men in society in their just and natural relations. It is the prerogative of self-government, that it adapts itself to every circumstance which can arise. Its institutions, if often defective, are always appropriate; for they are the exact representation of the condition of a people, and can be evil only because there are evils in society; exactly as a coat may suit an ill-shaped person. Habits of thought and action fix their stamp on the public code; the faith, the prejudices, the hopes of a people, may be read there; and, as knowledge advances, one prejudice after another, each erroneous judgment, each perverse enactment, yields to the embodied force of the common will. The method to success in legislating for Carolina, could only have been the counsels of the emigrants themselves.

The constitutions for Carolina merit attention as the only continued(3) attempt within the United States to connect political power with hereditary wealth. America was singularly rich in every form of representative government; its political experience was so varied, that, in

(1) Dedication to the Posthumous Pieces of Mr. John Locke.

(2) Bacon, Nov. Org. i. lxviii. Intellectus ab idolis liberandus est, ut non alius sit aditus ad regnum, in scientiis, quam ad regnum cœlorum; in quod nisi sub persona, &c.

(3) So, in 1698, April 11, a new form of the fundamental constitutions was agreed on; and article 7 asserts: "All power and dominion is most naturally founded in property." The two Charters, &c., p. 54,—a small 4to., printed without date.

modern European constitutions, hardly a method of constituting an upper or a popular house has thus far been suggested, of which the character and the operation had not already been tested in the history of our fathers. No one of the early colonies possessed a larger experience than Carolina; the disputes of a thousand years were crowded into a generation.

But few of the enfranchising principles which were then rapidly gaining a distinct existence, received at that time a just or a perverse application. Europe suffered from obsolete, but not inoperative laws; no statute of Carolina was to bind beyond a century. Europe suffered from the multiplication of law-books, and the perplexities of the law; in Carolina, not a commentary might be written on the constitutions, the statutes, or the common law. Europe suffered from the furies of English bigotry; Carolina promised, not equal rights, but toleration to "Jews, Heathens, and other dissenters," to "men of any religion." In other respects, "the interests of the proprietors," the desire of "a government most agreeable to monarchy," and the dread of "a numerous democracy," (1) are avowed as the sole motives for forming the fundamental constitutions of Carolina. The rights of the resident emigrants were less considered.

The proprietaries, as sovereigns, constituted a close corporation of eight—a number which was never to be diminished or increased. The dignity was hereditary: in default of heirs, the survivors elected a successor. Thus was formed an upper house, "a diet of Starosts," (2) self-elected and immortal.

For purposes of settlement, the almost boundless territory was to be divided into counties, each containing four hundred and eighty thousand acres. The creation of two orders of nobility, of one landgrave or earl, of two caciques or barons for each county, preceded the distribution of lands into five equal parts, of which one remained the inalienable property of the proprietaries, and another formed the inalienable and indivisible estates of the nobility. The remaining three-fifths were reserved for what was called the people; and might be held by lords of manors who were not hereditary legislators, but, like the nobility, exercised judicial powers in their baronial courts. The

(1) See the Preamble in Charters, &c. p. 33; in Martin, i. App. lxxi.

(2) Gillies' Arist. ii. 248.

number of the nobility might neither be increased nor diminished: election supplied the places left vacant for want of heirs; for, by an agrarian principle, estates and dignities were not allowed to accumulate.

The instinct of aristocracy dreads the moral power of a proprietary yeomanry; the perpetual degradation of the cultivators of the soil was enacted. The leet-men, or tenants, holding ten acres of land at a fixed rent, were not only destitute of political franchises, but were adscripts to the soil; "under the jurisdiction of their lord, without appeal;" and it was added, "all the children of leet-men shall be leet-men, and so to all generations." (1)

Grotius, in a former generation, had defended slavery as a rightful condition; a few years later, and William Penn is said to have employed the labour of African bondmen; it is not surprising that John Locke could propose, without compunction, that every freeman of Carolina shall have absolute power and authority over his negro slaves.

By the side of the seigniories, baronies, and manors, it was supposed that some freeholders would also be found; no elective franchise could be conferred on a freehold of less than fifty acres, and no eligibility to the parliament on a freehold of less than five hundred.

All executive power, and, in the last resort, all judiciary power, rested with the proprietaries themselves. The seven subordinate courts had each a proprietary for its chief; and of the forty-two counsellors of whom they were composed, twenty-eight were appointed by the proprietaries and the nobility. The judiciary was placed far beyond the reach of popular influence. To one aristocratic court was intrusted the superintendence of the press; and, as if not only men would submit their minds, but women their tastes, and children their pastimes, to a tribunal, another court had cognizance of "ceremonies and pedigrees," "of fashions and sports." (2) Of the fifty who composed the grand council of Carolina, fourteen only represented the commons, and of these fourteen, the tenure of office was for life.

The constitutions recognized four estates—the proprietaries, the landgraves, the caciques, and the commons. In the parliament, all the estates assembled in one chamber; apart from the proprietaries, who might appear by deputies, the commons elected four members for every three of

(1) Constitutions, sect. 22.

(2) Ibid. sect. 45.

the nobility ; but the influence of a great landed aristocracy in controlling elections was already well understood ; and none but large proprietaries were eligible to the parliament. An aristocratic majority might, therefore, always be relied upon ; but, to prevent danger, three methods, reproduced, in part, in modern monarchical constitutions, were adopted : the proprietaries reserved to themselves a negative on all the proceedings of parliament ; no subject could be proposed—an analogous clause existed in the charter granted by Louis XVIII. to France—except through the grand council ; and in case of a constitutional objection to a law, either of the four estates might interpose a veto. Popular enfranchisement was made an impossibility. Executive, judicial, and legislative power were beyond the reach of the people.

A few singularities were in harmony with the great outlines of the system. In trials by jury, the majority decided ; a rule fatal to the oppressed ; for where moral courage is requisite for an honest verdict, more than a small minority cannot always be expected. — Another clause, which declared it “ a base and vile thing to plead for money or reward,” could not but compel the less-educated classes to establish between themselves and the nobility the relation of clients and patrons. While every religion was tolerated, the church of England—it is the only clause engrafted upon the constitutions by the proprietaries against the wishes of Locke (1)—was declared to be the only true and orthodox, the national religion of Carolina, and, therefore, alone to receive public maintenance by grants from the colonial parliament.

Such were the constitutions devised for Carolina by Shaftesbury and Locke, by the statesman who was the type of the revolution of 1688, and the philosopher who was the antagonist of Descartes and William Penn. Several of our American writers have attempted to exonerate Locke from his share in the work which they condemn ; but the constitutions, with the exception I have named, are in harmony with the principles of his philosophy, and with his theories on government. To his late old age he preserved with care the evidence (2) of his legislative labours, as a monument to his fame ; and his

(1) Constitutions, sect. 96. Locke's Works, x. 194. Life, in i. xxv.—xxvi.

(2) An autograph is said to be in the Charleston library. See Reports of the Historical Committee, &c. 1835, p. 10.

admirers esteemed him the superior of the contemporary Quaker king, the rival of "the ancient philosophers," to whom the world had "erected statues."

The constitutions were signed in March, 1670, and in England became the theme of extravagant applause. "The model," said Blome,(1) in 1672, "is esteemed by all judicious persons without compare." "Empires," added an admirer of Shaftesbury, "will be ambitious of subjection to the noble government which deep wisdom has projected for Carolina;"(2) and the proprietaries believed they had set their seals to "a sacred and unalterable" instrument, which they fearlessly decreed should endure "for ever."

As far as depended upon the proprietaries, the government was immediately organized; and Monk, Duke of Albemarle, was constituted palatine. But the contrast between the magnificent model of a constitution and the humble settlements of Carolina, rendered the inappropriateness of the forms too ludicrously manifest. Was there room for a palatine and landgraves, for barons and lords of manors, for an admiralty court and a court of heraldry, among the scattered cabins between the Chowan and the ocean?

Albemarle had been increased by fresh emigrants from New England, and by a colony of ship-builders from the Bermudas,(3) who lived contentedly with Stevens as chief magistrate, under a very wise and simple form of government. A few words express its outlines: a council of twelve—six named by the proprietaries, and six chosen by the assembly; an assembly, composed of the governor, the council, and twelve delegates from the freeholders of the incipient settlements,—formed a government worthy of popular confidence. No interference from abroad was anticipated; for freedom of religion, and security against taxation, except by the colonial legislature, were solemnly conceded. The colonists were satisfied; the more so, as their lands were confirmed to them, by a solemn grant, on the terms which they themselves had proposed.(4)

The authentic record of the legislative history of North

(1) Blome's *America*, 138.

(2) W. Talbot's *Dedication of Lederer's Discoveries*. So, too, Wilson, in the *Dedication*, in 1682, to his tract on Carolina.

(3) Martin, i. 142.

(4) Williamson, i. 259. Martin, i. 146.

Carolina, begins with the autumn of 1669,⁽¹⁾ when the legislators of Albemarle, ignorant of the scheme which
 1659. Locke and Shaftesbury were maturing, framed a few laws, which, however open to objection, were suited to the character, opinions, and manners of the inhabitants, and which, therefore, endured long after the designs of Locke were abandoned in despair. New settlements invite the adventurer and welcome the needy. The strictest rule for the recovery of debts, so much desired in mercantile communities, where large trusts are necessarily reposed in individuals, and where delay becomes a failure, was not suited to the less anxious lives and the universal hospitality of a purely agricultural community. The planters of Albemarle, giving a five years' security to the emigrant debtor, enacted that none should for five years be sued for any cause of action arising out of the country. Marriage was made a civil contract, requiring for its validity nothing more than the consent of parties before a magistrate with witnesses. New settlers were exempted from taxation for a year. Was it the care for peace, or the instinct of monopoly, which prohibited strangers from trading with the neighbouring Indians? As every adventurer who joined the colony received a bounty in land, frauds were checked by withholding a perfect title till the emigrant should have resided two years in the colony. The members of this early legislature probably received no compensation; to meet the expenses of the governor and council, a fee of thirty pounds of tobacco was exacted in every lawsuit. Such was the simple legislation of men, who, being destitute of fortune, had roamed in quest of it. The laws were sufficient, were confirmed by the proprie-
 1670. taries, were re-enacted in 1715, and were valid in North Carolina for more than half a century.⁽²⁾

Hardly had these few laws been established, when the new constitution was forwarded to Albemarle, and the
 1670- governor was doomed to repeated fruitless attempts
 1674. at its introduction. The nature of the people rendered its introduction impossible; and its promulgation did but favour anarchy by invalidating the existing system, which it could not replace. The proprietaries, contrary

(1) Chalmers, 525, 555, from proprietary papers, and therefore the nearest approach to original authority. Martin, i. 145, changes the date on inconclusive arguments. The assembly referred to in the grant of May 1, 1663, must have been an earlier assembly.

(2) Martin, i. 146.

to stipulations with the colonists, superseded the existing government; and the colonists resolutely rejected the substitute.

Far different was the welcome with which the people of North Carolina met the first messengers of religion.

^{1672.} From the commencement of the settlement, there seems not to have been a minister in the land; there was no public worship but such as burst from the hearts of the people themselves, if at times natural feeling took the form of words, and the planters hailed heaven as they went forth to the tasks of the morning. But man is by nature prone to religious impressions; and when at last William Edmundson came to visit his Quaker brethren among the groves of Albemarle, "he met with a tender people;"(1) delivered his doctrine "in the authority of truth," and made converts to the society of Friends. A quarterly meeting of discipline was established; and the sect, of which opposition to spiritual authority is the badge, was the first to organize a religious government in Carolina.(2)

In the autumn of the same year, George Fox, the father of the sect, the upright man, who could say of himself, "What I am in words, I am the same in life,"(3) travelled across "the great bogs" of the Dismal Swamp, commonly "laying abroad anights in the woods by a fire," till at last he reached a house in Carolina, and obtained the luxury of a mat by the fireside. Carolina had ever been the refuge of the Quakers and "renegadoes"(4) from ecclesiastical oppression; and Fox was welcomed to their safe asylum. The people "lived lonely in the woods," with no other guardian to their solitary houses than a watch-dog. There have been religious communities, which, binding themselves by a vow to a life of study and reflection, have planted their monasteries in the solitudes of the desert, on the place where they might best lift up their hearts to contemplative enjoyments. Here was a colony of men from civilized life, scattered among the forests, hermits with wives and children, resting on the bosom of nature, in perfect harmony with the wilderness of their gentle clime. With absolute freedom of conscience, benevolent reason was the simple rule of their conduct. Such was the people to whom George Fox explained the beautiful

(1) Fox's Journal, 453.

(2) Martin, i. 155, 156.

(3) Fox, 345.

(4) Lord Culpepper, in Chalmers, 356.

truth that gives vitality to his sect, "opening many things concerning the light and spirit of God that is in every one," without distinction of education or race. He became the guest of the governor of the province, who, with his wife, "received him lovingly." The plantations of that day were upon the bay, and along the streams that flow into it; the rivers and the inlets were the highways of Carolina; the boat and the lighter birchen skiff the only equipage; every man knew how to handle the oar; and there was hardly a woman in the land but could paddle a canoe.(1) As Fox continued his journey, the governor, having been admonished to listen to the voice of truth in the oracles of nature, accompanied him to the water's edge; and, as the chief magistrate of North Carolina and the envoy of humanity travelled together on foot through the ancient woods, it might indeed have seemed, far more than in the companionship of Shaftesbury and Locke, that the days of the legislation of philosophy were about to be revived. For, in the character of his wisdom, in the method of its acquisition by deep feeling, reflection, and travel, and in its fruits, George Fox far more nearly resembled the simplicity of the ancient sages, the peers of Thales and Solon, whom common fame has immortalized. From the house of the governor the traveller continued his journey to the residence of "Joseph Scot, one of the representatives of the country," where he had "a sound and precious meeting" with the people. His eloquence reached their hearts, for he did but assert the paramount value of the impulses and feelings which had guided them in the wilderness. George Fox "had a sense of all conditions;" for "how else could he have spoken to all conditions?"(2) At another meeting, "the chief secretary of the province," who "had been formerly convinced," was present; and Fox became his guest, yet not without "much ado;" for, as the boat approached his plantation, it grounded in the shallow channel, and could not be brought to shore. But a little skiff shot promptly to the traveller's relief; the wife of the secretary of state came herself in a canoe, and brought him to her hospitable home.

As Fox turned again towards Virginia, he could say that he had found the people of North Carolina "generally

(1) Compare Lawson, 84. So, too, Brickell's Natural Hist. of N. C. p. 33.

(2) Fox, 65. The visit to Carolina, at pp. 458, &c. Philadelphia, stereotype edition.

tender and open;" and that he had made among them "a little entrance for truth." If the introduction of the constitutions of Locke had before been difficult, it was now become impossible.

While it was thus practically uncertain what was the government of North Carolina, the country was left
 1674. without a governor by the death of Stevens. The assembly, conforming to a prudent instruction of the proprietaries, elected a successor; and Cartwright, their
 1674- speaker, acted for two years at the head of the ad-
 1676. ministration. But the difficulty of introducing the model did not diminish; and, having failed to preserve order, Cartwright resolved to lay the state of the country before the proprietaries, and embarked for England. At the same time, the representatives of Albemarle sent
 1676. Eastchurch, the new speaker of their assembly, to explain their grievances.

It marks, in some measure, a good disposition in the proprietaries, that they selected Eastchurch, the messenger from the colony, to be its governor; but Miller, whom the colonists had formerly driven into Virginia, was at the same time appointed secretary of the province and collector of the customs; and the constitutions and Act of Navigation could never be acceptable.

There was little direct commerce between Albemarle and England; the new officers embarked for Carolina by way of the West Indies, where Eastchurch remained for a season; while Miller proceeded to the province, in
 1677. which he was now to hold the triple office of president or governor, secretary, and collector.

The government had for about a year been left in what royalists called "ill order and worse hands;"(1) that is, it had been a government of the people themselves, favouring popular liberty, even to the protection of the friends of colonial independence. The suppression of a fierce insurrection of the people of Virginia, had been followed by the vindictive fury of ruthless punishments; and "run-aways, rogues, and rebels," that is to say, fugitives from arbitrary tribunals, non-conformists, and friends to popular liberty, "fled daily to Carolina, as their common subterfuge and lurking-place." Did letters from the government of Virginia demand the surrender of leaders in the rebel-

(1) Proprietaries, in Williamson, i. 262.

lion, Carolina refused to betray the fugitives who sought shelter in her forests.(1)

The presence of such emigrants made oppression more difficult than ever ; but here, as throughout the colonies, the Navigation Acts were the cause for greater restlessness and more permanent discontent. And never did national avarice exhibit itself more meanly than in the relations of English legislation to North Carolina. The whole state hardly contained four thousand inhabitants ;(2) a few fat cattle, a little maize, and eight hundred hogsheads- of tobacco, formed all their exports ; their humble commerce had attracted none but small vessels from New England ; and the mariners of Boston, guiding their vessels through the narrow entrances of the bay, brought to the doors of the scattered planters the few foreign articles which the exchange of their produce could purchase. And yet this inconsiderable traffic, so little alluring, but so convenient to the colonists, was envied by the English merchant ; the law of 1672 was now to be enforced ; the traders of Boston were to be crowded from the market by an unreasonable duty ; and the planters to send their harvests to England as they could.(3)

How unwelcome, then, must have been the presence of Miller, who levied the hateful tribute of a penny on every pound of tobacco exported to New England ! A jealousy of the northern colonies was also fostered ; " they cannot," it was urged,(4) " be friends to the prosperity of Carolina, which will certainly in time render them inconsiderable." But the antiquated prejudices of Europe were not to gain entrance beyond the Atlantic ; and never did one American colony repine at the increase of another. The traffic with Boston continued, though burdened with a tax which produced an annual revenue of twelve thousand dollars—an enormous burden for the petty commerce and the few inhabitants of that day. Nor was this all ; the traders were exposed to so much violence and harshness from Miller, that they were with difficulty persuaded not to abandon the country.

(1) Berry and Morrison, in Burk's Virginia, ii. 259. Martin, i. 166, interprets runaways to mean negroes. The whole tenor of the document and the context hardly favours his interpretation ; runaways seem to have been fugitives from what the royalists called justice.

(2) Chalmers, 533. The accounts of the population are contradictory.

(3) Martin, i. 167.

(4) Chalmers, 534.

The planters of Albemarle were men who had been led to the choice of their residence from a hatred of restraint, and had lost themselves among the woods in search of independence. Are there any who doubt man's capacity for self-government, let them study the history of North Carolina; its inhabitants were restless and turbulent in their imperfect submission to a government imposed on them from abroad; the administration of the colony was firm, humane, and tranquil when they were left to^{1678.} take care of themselves. Any government but one of their own institution was oppressive.

The attempt at enforcing the Navigation Acts hastened an insurrection, which was fostered by the refugees from Virginia and the New England men; and which, having been the effect of deliberate contrivance,(1) was justified by the first American manifesto. It became the disciples of George Fox and the people of Carolina to act in harmony with their consciences, and to publish to the world the motives to their conduct. Excessive taxation, an abridgment of political liberty by the change in the form of government, with the "denial of a free election of an assembly," and the unwise interruption of the natural channels of commerce, were the threefold grievances of the colony. The leader in the insurrection was John Culpepper, one of those "very ill men" who loved popular liberty, and whom the royalists of that day denounced as having merited "hanging, for endeavouring to set the poor people to plunder the rich." (2) One of the counselors joined in the rebellion; (3) the rest, with Miller, were imprisoned; "that thereby the country may have a free parliament, and may send home their grievances." (4) The events that followed prove the sincerity of this plea; for North Carolina was much infected with that passion for representative government, which was the epidemic of America. Having deposed and imprisoned the president and the deputies of the proprietaries, and set at nought the acts of parliament, the people recovered from anarchy, tranquilly organized a government, and established courts of justice. The insurrection was a deliberate rising of the people against the pretensions of the proprietaries and the

(1) Papers in Williamson, i. 265.

(2) Williamson, i. 263.

(3) Ibid. 266.

(4) Manifesto: "The president hath denied a free election of an assembly." This, Williamson, i. 134, classes among weak and flimsy arguments. Why should an apologist for Bacon clamour against Culpepper?

laws of navigation; the uneducated population of that day formed conclusions as just as those which a century later pervaded the country. Eastchurch arrived in Virginia; but his commission and authority were derided; and he himself was kept out by force of arms; (1) while the insurgents, among whom was George Durant, the oldest landholder in Albemarle, having completed 1679. their institutions, sent Culpepper and another to England to negotiate a compromise. It proves in Culpepper a conviction of his own rectitude, that he did not hesitate to accept the trust.

But the late president and his fellow-sufferers, having escaped from confinement in Carolina, appeared also in England with adverse complaints. To a struggle between the planters and the proprietaries, the English public had been indifferent; but Miller presented himself as the champion of the Navigation Acts, and enlisted in his favour the jealous anger of the mercantile cities. Culpepper, just as he was embarking for America, was taken into custody, and his interference with the collecting of duties, which he was charged with embezzling, and which there is no reason to believe he had applied to other than public purposes, stimulated a prosecution; while his opposition to the proprietaries was held to justify an indictment for an act of high treason, committed without the realm.

A statute of Henry VIII. (2) was the authority for arraigning a colonist before an English jury—an act of tyranny against which Culpepper vainly protested, claiming “to be tried in Carolina, where the offence was committed.” —“Let no favour be shown him,” (3) said Lauderdale and the lords of the plantations. But when he was 1680. brought up for trial, Shaftesbury, who at that time was in the zenith of popularity, courted every form of popular influence, and, with clear sagacity, penetrated the injustice of the accusation, appeared in his defence, and procured his acquittal. (4) Thus was the insur-

(1) Williamson, i. 264.

(2) 35 Henry VIII. c. 2.

(3) Report in Williamson, i. 266.

(4) Chalmers, 537, and documents. Martin, i. 170, 171. Williamson, i. 133. Chalmers, with great consistency, condemned Culpepper, just as he condemned Bacon and Jefferson, Hancock and John Adams. But Williamson has allowed himself to be confused by the judgment of royalists, and, vol. i. p. 135, calls the fathers of North Carolina a set of “rioters and robbers.” Shaftesbury and the English jury were more just than the historian. The fact that George Durant, one of the earliest settlers, was concerned in the insurrection, identifies it with the genuine people, the old inhabitants of Carolina.

rection in Carolina excused by the verdict of an English jury.

But how should the proprietaries establish their authority in the plantations? Should they send an armed force to hunt the planters from their houses? The proprietaries had for the motive of their conduct the love of gain; and a violent government would have been too costly and unproductive an enterprise. Avarice, therefore, compelled 1679, moderation; and a compromise was offered. But a 1680. compromise was the confession of weakness. It was a natural expedient to send one of the proprietaries themselves to look after the interests of the company; and Seth Sothel, who had purchased the rights of Lord Clarendon, was selected for the purpose. But Sothel, on his voyage, was taken captive by the Algerines.

1679- Meantime, the temporary government of Carolina, 1682. under Harvey, Jenkins, and Wilkinson, had been abandoned, or intrusted by the proprietaries to the friends of the insurgents. I find the name of Robert 1680. Holden,(1) Culpepper's associate and colleague, as receiver-general, while "the traitor, George Durant,"(2) quietly discharged the duty of a judge. "Settle order amongst yourselves,"(3) wrote the proprietaries; and 1681. order had already been settled by the wise moderation of the government.(4) Would the disciples of Fox subscribe to the authority of the proprietaries? 1680. "Yes," they replied, "with heart and hand, to the best of our capacities and understandings, so far as is consonant with God's glory and the advancement of his blessed truth;"(5) and the restricted promise was 1681. accepted. An act of amnesty, on easy conditions, was adopted; but the feeling of personal independence, and the very nature of life in the New World, were firmer guarantees of security than all promises of pardon.

(1) MSS. communicated to me by D. L. Swain.

(2) Same manuscripts.

(3) Chalmers, 539.

(4) I narrowly escaped being deceived by the passage in Martin, i. 173: "President Harvey, whom he (Wilkinson) relieved," &c. How could a man write so carelessly and so positively? Harvey was president but a few months; and "those implicated in the late revolt" were the dominant party. It is not history which is treacherous, but hasty writers, who are credulous and careless. I was saved from trusting Martin by William-son, i. 137, who speaks of John Jenkins as governor; and still more by MSS. liberally furnished me by the late governor of North Carolina. Harvey had ceased to be governor in June, 1680.

(5) MSS. from D. L. Swain, copied from the records of Berkley Precinct.

It is said that the popular administration did not wholly refrain from persecuting the few royalists in the province ;(1) but, if complaints were made, no act of injustice appears to have required the rebuke of the proprietaries, or the censure of the sovereign. It is certain, that Sothel, on reaching the colony, found tranquillity
 1683. established. The counties were quiet and well regulated, because not subjected to a foreign sway; the planters, in peaceful independence, enjoyed the goodwill of the wilderness. Sothel arrived, and the scene was changed.

Sothel was of the same class of governors with Cranfield of New Hampshire. He was one of the eight proprietaries, and had accepted the government in the hope of acquiring a fortune. From among many as infamous as himself, historians have selected him as the most infamous.(2) Many colonial governors displayed rapacity and
 1683- extortion towards the people; Sothel cheated his pro-
 1688. prietary associates, as well as plundered the colonists. To the colonists he could not be acceptable, for it was his duty to establish the constitutions, and enforce the Navigation Acts. To introduce the constitutions was impossible, unless for one who could transform a log cabin into a baronial castle, a negro slave into a herd of leet-men. And how could one man, without soldiers, and without a vessel of war, enforce the Navigation Acts? Having neither the views nor the qualities of a statesman, Sothel had no higher purpose than to satiate his sordid passions; and, like so many others, employed his power to gratify his covetousness, by exacting unjust fees, or by engrossing traffic with the Indians. His object was money; he valued his office as the means of gaining it. That the charges against him are vague, extending in no case to loss of life, or to any specific act of cruelty, seems to prove that his avarice was not singularly exorbitant. Had he done much more than practise the usual arts of exaction with which nearly every royal province was becoming

(1) The passage in Chalmers, 539, nearly resembles many similar ones in his volume. His account, in all cases of the kind, must be received with great hesitancy. The colouring is always wrong; the facts usually perverted. He writes like a lawyer and a disappointed politician; not like a calm inquirer. His statements are copied by Graham, obscured by Martin, and, strange to say, exaggerated by Williamson, i. 138.

(2) Chalmers, 539. All are agreed in the sordid worthlessness of Sothel. But Williamson, i. 270, must be compared with Williamson, i. 209, 210, where an accuser of Sothel is himself proved before a jury to have been "a cheating rogue."

familiar? But the people of North Carolina, already experienced in rebellion, having borne with him 1688. about five years, at length deposed him without bloodshed, and appealed once more to the proprietaries. It is conclusive proof that Sothel had committed no acts of wanton wickedness, that he preferred a request to submit his case to an assembly, fearing the colonists, whom he had pillaged, less than the men whom he had betrayed. His request was granted, and the colony condemned him to a twelve months' exile, and a perpetual incapacity for the government.(1)

Here was a double grief to the proprietaries; the rapacity of Sothel was a breach of trust; the judgment of the assembly an ominous usurpation. The planters of North Carolina recovered tranquillity so soon as they escaped the misrule from abroad; and, sure of amnesty, esteemed themselves the happiest people on earth. They loved the pure air and clear skies of their "summer land."(2) True, there was no fixed minister in the land till 1703;(3) no church erected till 1705; no separate building for a court-house till 1722; no printing-press till 1754.(4) Careless of religious sects, or colleges, or lawyers, or absolute laws, the early settlers enjoyed liberty of conscience and personal independence; freedom of the forest and of the river. The children of nature listened to the inspirations of nature. From almost every plantation they enjoyed a noble prospect of spacious rivers, of pleasant meadows, enamelled with flowers; of primeval forests, where the loftiest branches of the tulip-tree or the magnolia were wrapped in jasmines and honeysuckles. For them the wild bee stored its honey in hollow trees; for them unnumbered swine fattened on the fruits of the forest or the heaps of peaches; for them, in spite of their careless lives and imperfect husbandry, cattle multiplied on the pleasant savannahs; and they desired no greater happiness than they enjoyed.(5) What though Europe was rocked to its centre by commotions? What though England was changing its constitution? Should the planter of Albemarle trouble himself for Holland or France? for James II. or William of Orange? for a popish party or

(1) Compare Chalmers, 539, 540. Williamson, i. 136—141; Martin, i. 176, 186. Hewat, i. 103, 104, writes confusedly.

(2) Lawson, 63, 80.

(3) Martin, i. 218, 219.

(4) Thomas's History of Printing, ii. 150.

(5) Brickell, 32, 46, 91, 154, 256, 259.

a high church party? Almost all the American colonies were chiefly settled by those to whom the uniformities of European life were intolerable; North Carolina was settled by the freest of the free; by men to whom the restraints of other colonies were too severe; they were not so much caged in the woods as scattered in lonely granges. There was neither city nor township; there was hardly even a hamlet, or one house within sight of another; nor were there roads, except as the paths from house to house were distinguished by notches in the trees.(1) But the settlers were gentle in their tempers, of serene minds, enemies to violence and bloodshed. Not all the successive revolutions had kindled vindictive passions; freedom, entire freedom, was enjoyed without anxiety as without guarantees; the charities of life were scattered at their feet, like the flowers on their meadows; and the spirit of humanity maintained its influence in the Arcadia, as royalist writers will have it, "of rogues and rebels," in the paradise of Quakers.

Of South Carolina, the first settlement was founded by the proprietaries, and resembled in its origin an investment of capital by a company of land-jobbers, who furnished the emigrants with the means of embarking for America, established on its shores their own commercial agent, and undertook for themselves the management of all commercial transactions. But success attended neither the government which they instituted, nor the industry which they fostered. Self-government, in private labours and in public administration, alone possesses the elasticity which can have due reference to the materials of society, and adapt itself to every emergency and condition. South Carolina was a scene of turbulence till the constitutions were abandoned; and industry was unproductive till the colonists despised patronage and relied on themselves.

It was in January, 1670, more than a month before
1670. the Grand Model was signed, a considerable number of emigrants set sail for Carolina, which, both from climate and soil, was celebrated in advance as "the beauty and envy of North America." (2) They were conducted by Joseph West, as commercial agent for the proprietaries, and by William Sayle, who was probably a Presbyterian, and having more than twenty years before made himself

(1) Brickell, 262, 263.

(2) Talbot, in dedication of Lederer.

known as leader in an attempt to plant an "Eleutheria" in the isles of the Gulf of Florida, was now constituted a proprietary governor, with jurisdiction extending as far north as Cape Carteret, as far south as the Spaniards would tolerate. Having touched at Ireland and Bermuda,(1) the ships which bore the company entered the well-known waters where the fleet of Ribault had anchored, and examined the site where the Huguenots had engraved the lilies of France, and erected the fortress of Carolina.(2) But the vicinity of Beaufort was not destined to harbour the first colony of the English; the emigrants, after short delay,(3) sailed into Ashley River, and on "the first high land," in a spot that seemed "convenient for tillage and pasturing," the three (4) ship-loads of emigrants, who as yet formed the whole people of South Carolina, selected their resting-place, and began their first town. Of this town not a vestige remains, except the line of a moat, which served as a defence against Indians. Every log-house has vanished, and the site is absorbed in a plantation.(5) Yet, few as were the settlers, who had come to take possession of the vast hunting-grounds of the natives, no immediate danger was apprehended; epidemic sickness and sanguinary wars had swept away the ancient tribes, and left the neighbouring coasts almost a desert.(6)

An historian of South Carolina (7) has related, that the emigrants at first submitted to "a species of military government." This is error. The emigrants had hardly landed, before they instituted a government on the basis of liberty. An unfinished copy of the fundamental constitutions had been furnished them; but it was indeed

(1) Chalmers, 529, says Barbadoes; perhaps inadvertently. Dalcho, *Hist. of Prot. Ep. Church in S. C.*, p. 9, shows it to have been Bermuda. Dalcho is very useful for the early history of S. C., and is more scrupulous than Ramsay.

(2) Ramsay, i. 34 and 2.

(3) Ramsay says, i. 2, in 1671. He is in error. See Dalcho, 9. See, also, Dalcho, p. 10, where it appears that, May 1, 1671, it was known in England that the colony had planted on Ashley River. There is no evidence that the ships did more than sail into the harbour of Port Royal, and, after a survey, sail out again. Chalmers, 530, favours the error into which Ramsay subsequently fell. Wilson, in his *Carolina*, p. 7, says nothing of Port Royal. "Ashley River first settled in 1670."

(4) Wilson's *Carolina*, 7.

(5) Drayton's *S. Carolina*, 200.

(6) Archdale's *Carolina*, 2. I am indebted to P. Ravenel, of Charleston, a descendant of the Huguenots, for this work, and other valuable materials.

(7) Ramsay, i. 34, 35. The error is clearly refuted in Dalcho, 11 and 16. Compare Chalmers, 529.

impossible "to execute the grand model." As easily might trees have been turned into cathedrals, or castles, at a word, erected in those solitary groves on the savannahs, that resembled the parks in England; (1) the laws of the moral world are unyielding. A parliamentary convention was held; five members of the grand council were elected to act with five whom the proprietaries had appointed; the whole body possessed a veto on the executive; and, with the governor and twenty delegates, who were now elected by the people, constituted the legislature of the province. Representative govern-
 1672. ment was established, and continued to be cherished. In 1672, all previous parliaments and parliamentary conventions were dissolved; for the colonists, now rapidly increasing, demanded "a new parliament." Such was the government which South Carolina instituted for herself; it did not deem it possible to conform more closely to the constitutions. But the proprietaries indulged the vision of realizing their introduction. John Locke, with Sir John Yeamans and James Carteret, was
 1671. created a landgrave; and a complete copy of the Model was sent over, with a set of rules and instructions. But Shaftesbury misjudged; there was already a people in South Carolina; and if the aristocratic council acknowledged the validity of the constitutions, they were firmly resisted by the popular representatives. Thus the organization of the commonwealth contained a political feud, and led to the party of the proprietaries and the party of the people; religious divisions combining with political feuds, the friends of the High Church, always a minority, favoured the former, while all classes of dissenters united with the latter.

Every early settlement is necessarily attended with great privations; the planting of Carolina did not encounter unusual hardships. The enterprising mind of Shaftesbury applied itself with zeal wherever he was interested; and, though the colony was at one moment so disheartened as to meditate desertion, the timely arrival of supplies scattered the clouds of despondency.(2) The Indians, though few, were unfriendly; and it was with arms at hand that the emigrants gathered oysters, or swept the rivers, or toiled at building. The labours of agriculture in the sultry clime were appalling to English-

(1) Wilson's Carolina, 11.

(2) Hewat, i. 52.

men; neither did the culture of European grains promise to be successful; but extreme distress did not ensue; and the proprietaries showed no intention of abandoning their plantation.

The first site for a town had been chosen without regard to commerce. The point between the two rivers, to which the names of Shaftesbury (1) were given, soon attracted attention; those who had purchased grants there, desirous of obtaining neighbours, willingly offered to
 1672. surrender one half of their land as "commons of
 1680. pasture." The offer was in part refused; but the neck of land then called Oyster Point, soon to become a village named from the reigning king, and, after more
 1783. than a century, incorporated as the city of Charleston, immediately gained a few inhabitants; and on the spot where opulence now crowds the wharfs of the
 1672. most prosperous mart on our southern seaboard, among ancient groves that swept down to the rivers' banks, and were covered with the yellow jasmine, which burdened the vernal zephyrs with its perfumes, the cabins of graziers began the city. Long afterwards, the splendid vegetation which environs Charleston, especially the pine, and cedar, and cypress trees along the broadroad which is now Meeting-street, delighted the observer by its perpetual verdure.(2) The settlement, though for some years it struggled against an unhealthy climate,(3) steadily increased; and to its influence is in some degree to be attributed the love of letters, and that desire of institutions for education, for which South Carolina was afterwards distinguished.

The institutions of Carolina were still further modified by the character of the emigration that began to throng to her soil.

The proprietaries continued to send emigrants, who
 1671. were tempted by the offer of land (4) at an easy quit-rent. Clothes and provisions were distributed to those who could not provide themselves.

From Barbadoes arrived Sir John Yeamans, with African slaves.(5) Thus the institution of negro slavery is coeval with the first plantations on Ashley River. Of

(1) Wilson's Carolina, 7. Carolina, by T. A., 1682, p. 37: "Shaftesbury a great patron to Carolina."

(2) Dalcho, 15—20. Archdale.

(3) Ramsay, ii. 70. Chalmers, 541.

(4) Chalmers, 529. Dalcho, 19.

(5) Dalcho, 13. Hewat, i. 53.

the original thirteen states, South Carolina alone was from its cradle essentially a planting state with slave labour. In Maryland, in Virginia, the custom of employing indented servants long prevailed; and the class of white labourers was always numerous; for nowhere in the United States is the climate more favourable to the Anglo-Saxon labourer than in Virginia. It was from the first observed that the climate of South Carolina was more congenial to the African than that "of the more northern colonies;" (1) and at once it became the great object of the emigrant "to buy negro slaves, without which," adds Wilson, "a planter can never do any great matter." (2) Every one of the colonies received slaves from Africa within its borders; the Dutch merchants, who engaged in planting New York, were largely interested in the slave-trade, and covenanted to furnish emigrants to that colony with all the negroes they might desire; but the stern severity of the climate in some measure defeated the purpose. In South Carolina, the labour of felling the forests, of tilling the soil, was avoided by the white man; climate favoured the purposes of commercial avarice; and the negro race was multiplied so rapidly by importations, that in a few years, we are told, the blacks were to the whites in the proportion of twenty-two to twelve; (3) a proportion that had no parallel north of the West Indies.

The changes that were taking place on the banks of the Hudson, had excited discontent; the rumour of wealth to be derived from the fertility of the south, cherished the desire of emigration; and almost within a year from the arrival of the first fleet in Ashley River, two ships came with Dutch emigrants from New York, and were subsequently followed by others of their countrymen from Holland. (4)

Imagination already regarded Carolina as the chosen spot for the culture of the olive; and, in the region where flowers bloom every month in the year, forests of orange-trees were to supplant the groves of cedar; silkworms
 1679. to be fed from plantations of mulberries; and choicest wines to be ripened under the genial influences of a

(1) Wilson's Carolina, 15.

(2) Ibid. 17.

(3) Letter from South Carolina, by a Swiss gentleman, p. 40.

(4) Hewat, i. 73. More definite, Dalcho, p. 12. Ramsay, i. 4, errs in his date. The voyage was in 1671, not in 1674.

nearly tropical sun. For this end, Charles II., with an almost solitary instance of munificence towards the colony, provided at his own expense two small vessels, to transport to Carolina a few foreign Protestants, who might there domesticate the productions of the south of Europe.(1)

1670- From England, also, emigrations were consider-
1688. able. The character of the proprietaries was a sufficient invitation to the impoverished Cavalier; and the unfortunate of the church of England could look to the shores of Carolina as the refuge where they were assured of favour. Even Shaftesbury, when he was committed
1681. to the Tower, desired leave to expatriate himself, and become an inhabitant of Carolina.(2)

Nor did churchmen alone emigrate. The condition of dissenters in England was no longer a state of security or liberty; and the promise of equal immunities tempted many of them beyond the Atlantic, to colonies where their worship was tolerated, and their civil rights asserted. Of these, many were attracted to the glowing clime of Carolina, carrying with them intelligence, industry, and sobriety. A contemporary historian commemorates
1683. with singular praise the company of dissenters from Somersetshire, who were conducted to Charleston by Joseph Blake, brother to the gallant admiral, so celebrated for naval genius and love of country. Blake was already advanced in life; but he could not endure the present miseries of oppression, and feared still greater evils from a popish successor;(3) and he devoted to the advancement of emigration all the fortune which he had inherited as the fruits of his brother's victories. Thus the plunder of the wealth of New Spain assisted to people Carolina.

A colony of Irish, under Ferguson, were lured by the fame of the fertility of the south, and were received with so hearty a welcome, that they were soon merged among the other colonists.(4)

The condition of Scotland, also, compelled its inhabitants to seek peace by abandoning their native country. Just after the death of Shaftesbury, a scheme, which had been concerted during the tyranny of Lauderdale, was

(1) Chalmers, 541. Ramsay, ii. 5. Carolina, by T. A., pp. 8, 9.

(2) Lingard's England, xiii. c. vii.

(3) Oldmixon, i. 337, 338, and 341. Oldmixon is here good authority.

Compare Hewat, i. 89.

(4) Chalmers, 543.

revived. Thirty-six noblemen and gentlemen had entered into an association for planting a colony in the New World; their agents had contracted with the patentees of South Carolina for a large district of land, where Scottish exiles for religion might enjoy freedom of faith and a government of their own.⁽¹⁾ Yet the design was never completely executed. A gleam of hope of a successful revolution in England, led to a conspiracy for the elevation of Monmouth. The conspiracy was matured in London, under pretence of favouring emigration to America; and its ill success involved its authors in danger, and brought Russell and Sydney to the scaffold. It was, therefore, with but a small colony, that the Presbyterian

Lord Cardross, many of whose friends had suffered ^{1634.} imprisonment, the rack, and death itself, and who had himself been persecuted under Lauderdale,⁽²⁾ set sail for Carolina. But even there the ten families of outcasts found no peace. They planted themselves at Port Royal;⁽³⁾ the colony of Ashley River claimed over them a jurisdiction which was reluctantly conceded. Cardross returned to Europe, to render service in the approaching revolution; and the Spaniards, taking umbrage at a plantation established on ground which they claimed as a dependency of ^{1686.} St. Augustine, invaded the frontier settlement, and laid it entirely waste. Of the unhappy emigrants, some returned to Scotland; some mingled with the earlier planters of Carolina.⁽⁴⁾

More than a hundred years had elapsed since Coligny, with the sanction of the French monarch, had selected the southern regions of the United States as the residence of Huguenots. The realization of that design, in defiance of the Bourbons, is the most remarkable incident in the early history of South Carolina, and was the result of a persecution, which not only gave a great addition to the intelligence and moral worth of the American colonies, but, for Europe, hastened the revolution in the institutions of the age.

John Calvin, by birth a Frenchman, was to France the apostle of the reformation; but his faith had ever been feared as the creed of republicanism; his party had been

(1) Wodrow, ii. 230. Laing, iv. 133.

(2) Laing, iv. 72.

(3) Ramsay says, in 1682.

(4) Archdale, 14. Hewat, i. 89. Chalmers, 547, 543. Ramsay, i. 127. Laing, iv. 187.

pursued as the sect of rebellion ; and it was only by force of arms, that the Huguenots had obtained a conditional toleration. Even the edict of Nantz placed their security, not on the acknowledgment of the permanent principle of legislative justice, but on a compromise between contending parties. It was but a confirmation of privileges which had been extorted from the predecessors of Henry IV. And yet it was the harbinger of religious peace ; so long as the edict of Nantz was honestly respected, the Huguenots of Languedoc were as tranquil as the Lutherans of Alsace. But their tranquillity invited from their enemies a renewal of attacks ; no longer a powerful faction, they were oppressed with rigour ; having ceased to be feared, they were exposed to persecution.

When Louis XIV. approached the borders of age, he was troubled by remorse ; the weakness of superstition succeeded to the weakness of indulgence ; and the flatteries of bigots, artfully employed for their own selfish purposes, led the vanity of the monarch to seek, in making proselytes to the church, a new method of gaining glory, and an atonement for the voluptuous profligacy of his life. Louis was not naturally cruel, but was an easy dupe of those in whom he most confided—of priests, and of a woman. The daughter of an adventurer,—for nearly ten years of childhood a resident in the West Indies, educated a Calvinist, but early converted to the Roman faith,—Madame de Maintenon had, in the house of a burlesque poet, learned the art of conversation, and, in the intimate society of Ninon de l'Enclos, had studied the mysteries of the passions. Of a clear and penetrating mind, of a calculating judgment, which her calm imagination could not lead astray, she never forgot her self-possession in a generous transport, and was never mastered even by the passions which she sought to gratify. Already advanced in life when she began to attract the attention of the king, whose character she profoundly understood, she sought to enthrall his mind by the influences of religion ; and, becoming herself devout, or feigning to be so, always modest and discreet, she knew how to awaken in him compunctions which she alone could tranquillize, and subjected his mind to her sway by substituting the sentiment of devotion for the passion of love. The conversion of the Huguenots was to excuse the sins of his earlier years. They, like herself, were to become reconciled to the church ; yet

not by methods of violence. Creeds were to melt away in the sunshine of favour, and proselytes to be won by appeals to interest.

Huguenots were, therefore, to be employed no longer in public office ; they were, as far as possible, excluded from the guilds of tradesmen and mechanics ; and a Calvinist might not marry a Roman Catholic wife. Direct bribery was also employed ; converts were purchased ; and, as it seemed not unreasonable that, where money is paid, a bargain should be fulfilled, severe laws punished a relapse.

The multitude may always defend itself against the pride of any one, by claiming for itself a collective wisdom superior to that of the wisest individual. The same is true of the moral qualities ; there exists in the many a force of will which no violence can break, a firmness of conviction which no bribery can undermine. The first methods of conversion were fruitless. Strange human nature ! In men who had taken a bribe for conversion, there often remained a principle strong enough to sustain them in returning to their first opinions, and in suffering for them.

Proselytism next invaded the most sacred rights of human nature, and children of seven years old were invited to abjure the faith of their fathers. The Huguenots began to emigrate ; for their industry and skill made them welcome in every Protestant country ; and Louis, desiring to convert, not to expel, his subjects, forbade emigration, under penalty of the galleys. The ministers of the Calvinists were now tormented ; their chapels were arbitrarily razed ; their funds for charitable purposes confiscated ; their schools shut up ; their civil officers disfranchised. Did cruel oppression produce disobedience ? The rack and the wheel gave to Huguenots their martyrs.

At court, the triumph of the widow of Scarron, aided by the confessors, seemed complete ; but Louvois, the ambitious minister of war, could not brook this superior influence ; and, since the conversion of Huguenots was the path to the monarch's favour, he resolved to enlist the military resources of France in the service, and to "dragoon" the Calvinists into a reverence for the church.

Instead of missionaries, soldiers were now sent into ^{1684.} Calvinistic districts, to be quartered in Protestant families, and to torment them into conversion. Meantime, emigration was a felony, and the frontiers were carefully

guarded to prevent it. The hounds were let loose on game shut up in a close park. Here was an invention which multiplied tyranny indefinitely, and lodged its lustful and ferocious passions under every roof, within the secret recesses of every family.

At length, the edict of Nantz was formally revoked. 1685. Calvinists might no longer preach in churches or in the ruins of churches; all public worship was forbidden them; and the chancellor Le Tellier could shout aloud, "Now, Lord, lettest thou thy servant depart in peace;" even the eloquent Bossuet, in false rhetoric, that reflects disgrace on his understanding and heart,(1) could declare the total overthrow of heresy; while Louis XIV. believed his glory perfected by an absolute union of all dissenters with the Roman church.

But the extremity of danger inspired even the wavering with courage. What though they were exposed, without defence, to the fury of an unbridled soldiery, whom hatred of heretics had steeled against humanity? Property was exposed to plunder; religious books were burned; children torn from their parents; faithful ministers, who would not abandon their flocks, broken on the wheel. Men were dragged to the altars, to be tortured into a denial of the faith of their fathers; and a relapse was punished with extreme rigour. The approach of death removes the fear of persecution; bigotry invented a new terror; the bodies of those who died rejecting the sacraments, were thrown out to wolves and dogs. The mean-spirited, who changed their religion, were endowed by law with the entire property of their family. The dying father was made to choose between wronging his conscience by apostasy and beggaring his offspring by fidelity. All children were ordered to be taken away from Protestant parents; but that law it was impossible to enforce; nature will assert her rights. It became a study to invent torments, dolorous, but not mortal; to inflict all the pain the human body could endure, and not die. What need of recounting the horrid enormities committed by troops whose commanders had been ordered "to use the utmost rigour towards those who will not adopt the creed of the king? to push to an extremity the vain-glorious fools who delay their conversion to the last?" What need of describing the stripes, the

(1) Leurs faux pasteurs, &c. Oraison Fun. de Le Tellier. The insinuation was false.

roastings by slow fires, the plunging into wells, the gashes from knives, the wounds from red-hot pincers, and all the cruelties employed by men who were only forbidden not to ravish nor to kill? The loss of lives cannot be computed. How many thousands of men, how many thousands of children and women, perished in the attempt to escape, who can tell? An historian has asserted that ten thousand perished at the stake, or on the gibbet and the wheel.(1)

But the efforts of tyranny were powerless. Truth enjoys serenely her own immortality; and opinion, which always yields to a clearer conviction, laughs violence to scorn. The unparalleled persecution of vast masses of men for their religious creed, occasioned but a new display of the power of humanity; the Calvinists preserved their faith over the ashes of their churches and the bodies of their murdered ministers. The power of a brutal soldiery was defied by whole companies of faithful men, that still assembled to sing their psalms; and from the country and the city, from the comfortable homes of wealthy merchants, from the abodes of an humbler peasantry, from the workshops of artisans, hundreds of thousands of men rose up, as with one heart, to bear testimony to the indefeasible, irresistible right to freedom of mind.

Every wise government was eager to offer a refuge to the upright men who would carry to other countries the arts, the skill in manufactures, and the wealth of France. Emigrant Huguenots put a new aspect on the north of Germany, where they constituted towns and sections of cities, introducing manufactures before unknown. A suburb of London was filled with French mechanics; the Prince of Orange gained entire regiments of soldiers, as brave as those whom Cromwell led to victory; a colony of them reached even the Cape of Good Hope. In our American colonies they were welcome everywhere. The religious sympathies of New England were awakened; did any arrive in poverty, having barely escaped with life, —the towns of Massachusetts contributed liberally to their support, and provided them with lands. Others repaired to New York; but the warmer climate was more inviting to the exiles of Languedoc, and South Carolina became the chief resort of the Huguenots. What though the attempt to emigrate was by the law of France a felony?

(1) Rulhière, *Œuvres*, v. 221.

In spite of every precaution of the police, five hundred thousand souls escaped from their country. The unfortunate were more wakeful to fly, than the ministers of tyranny to restrain.

"We quitted home by night, leaving the soldiers in their beds, and abandoning the house with its furniture," said Judith, the young wife of Pierre Manigault. "We contrived to hide ourselves for ten days at Romans, in Dauphiny, while a search was made for us; but our faithful hostess would not betray us."—Nor could they escape to the seaboard, except by a circuitous journey through Germany and Holland, and thence to England, in the depths of winter. "Having embarked at London, we were sadly off. The spotted fever appeared on board the vessel, and many died of the disease; among these, our aged mother. We touched at Bermuda, where the vessel was seized. Our money was all spent; with great difficulty we procured a passage in another vessel. After our arrival in Carolina, we suffered every kind of evil. In eighteen months, our eldest brother, unaccustomed to the hard labour which we were obliged to undergo, died of a fever. Since leaving France, we had experienced every kind of affliction—disease, pestilence, famine, poverty, hard labour. I have been for six months without tasting bread, working the ground like a slave; and I have passed three or four years without having it when I wanted it. And yet," adds the excellent woman, in the spirit of grateful resignation, "God has done great things for us, in enabling us to bear up under so many trials."

This family was but one of many that found a shelter in Carolina, the general asylum of the Calvinist refugees. Escaping from a land where the profession of their religion was a felony, where their estates were liable to be confiscated in favour of the apostate, where the preaching of their faith was a crime to be expiated on the wheel, where their children might be torn from them, to be subjected to the nearest Catholic relation,—the fugitives from Languedoc on the Mediterranean, from Rochelle, and Saint-ange, and Bordeaux, the provinces on the Bay of Biscay, from St. Quentin, Poitiers, and the beautiful valley of Tours, from St. Lo and Dieppe, men who had the virtues of the English Puritans, without their bigotry, came to the land to which the tolerant benevolence of Shaftesbury had invited the believer of every creed. From a land that had

suffered its king, in wanton bigotry, to drive half a million of its best citizens into exile, they came to the land which was the hospitable refuge of the oppressed ; where superstition and fanaticism, infidelity and faith, cold speculation and animated zeal, were alike admitted without question, and where the fires of religious persecution were never to be kindled. There they obtained an assignment of lands, and soon had tenements ; there they might safely make the woods the scene of their devotions, and join the simple incense of their psalms to the melodies of the winds among the ancient groves. Their church was in Charleston ; and thither, on every Lord's-day, gathering from their plantations upon the banks of the Cooper, and taking advantage of the ebb and flow of the tide, they might all regularly be seen, the parents with their children, whom no bigot could now wrest from them, making their way, in light skiffs, through scenes so tranquil, that silence was broken only by the rippling of oars, and the hum of the flourishing village at the confluence of the rivers.

Other Huguenot emigrants established themselves on the south bank of the Santee, in a region which has since been celebrated for affluence and refined hospitality.

The United States are full of monuments of the emigrations from France. When the struggle for independence arrived, the son of Judith Manigault intrusted the vast fortune he had acquired to the service of the country that had adopted his mother ; the hall in Boston, where the eloquence of New England rocked the infant spirit of independence, was the gift of the son of a Huguenot ; when the treaty of Paris for the independence of our country was framing, the grandson of a Huguenot, acquainted from childhood with the wrongs of his ancestors, would not allow his jealousies of France to be lulled, and exerted a powerful influence in stretching the boundary of the states to the Mississippi. On our north-eastern frontier state, the name of the oldest college bears witness to the wise liberality of a descendant of the Huguenots. The children of the Calvinists of France have reason to respect the memory of their ancestors.(1)

(1) Rulhière, *Eclaircissements sur les Causes de la Révocation de l'Edit de Nantes*, in the 5th vol. of his works ; an important work on this subject. Voltaire, *Siècle de Louis XIV.* c. xxxvi. Ancillon (himself a descendant of Huguenots), *Tableau*, &c. tom. iv. c. xxiii. For America, Ramsay's *Carolina*, i. 5—8. Dan. Ravenel, in *(Charleston) City Gazette*, for May 12 and 15, 1826. Holmes, in *Mass. Hist. Coll.* xxii. 1—83.

It has been usual to relate, that religious bigotry denied to the Huguenot emigrants immediate denization. If full hospitality was for a season withheld, the delay grew out of a controversy in which all Carolinians had a common interest, and the privileges of citizenship were con-
 1691. ceded so soon as it could be done by Carolinians
 1697. themselves. It had not yet been determined with whom the power of naturalizing foreigners resided, nor how Carolina should be governed. The great mass of the people were intent on framing their own institutions; and collisions with the lords proprietors long kept the government in confusion.

For the proprietary power was essentially weak. The company of courtiers, which became no more than a partnership of speculators in colonial lands, had not sufficient force to resist foreign violence or assert domestic authority. It could derive no strength but from the colonists themselves, or from the crown. But the colonists connected self-protection with the right of self-government, and the crown would not incur expense, except on a surrender of the jurisdiction. Thus, the proprietary government having its organ in the council, could prolong its existence only by concessions, and was destined by its inherent weakness to be overthrown by the popular party which was favoured by the commons.

At first the proprietaries acquiesced in a govern-
 1670. ment which had little reference to the constitutions. The first governor had sunk under the climate and the hardships of founding a colony. His successor, Sir John

Yeamans, was a sordid calculator, bent on acquiring
 1671. a fortune. He encouraged his employers in expense, and enriched himself without gaining respect or hatred.

“It must be a bad soil,” said his weary employers,
 1674. “that will not maintain industrious men, or we must be very silly that would maintain the idle.” If they continued their outlays, it was in hopes of seeing vineyards, and olive-groves, and plantations, established; they refused supplies of cattle, and desired returns in compensation for their expenditures.

The moderation and good sense of West were able
 1674- to preserve tranquillity for about nine years; but the
 1683. lords, who had first purchased his services by the grant of all their merchandise and debts in Carolina, in the end

dismissed him from office, on the charge that he favoured the popular party.

The continued struggles with the proprietaries hastened the emancipation of the people from their rule; but the praise of having been always in the right cannot be awarded to the colonists. The latter claimed the right of weakening the neighbouring Indian tribes by a partisan warfare, and a sale of the captives into West Indian bondage; their antagonists demanded that the treaty of peace with the natives should be preserved.(1) Again, the proprietaries offered some favourable modifications of the constitutions; the colonists respected the modifications no more than the original laws. A rapid change of governors augmented the confusion. There was no harmony of interests between the lords paramount and their tenants, or of authority between the executive and the popular assembly. As in all other colonies south of the Potomac, colonial legislation did not favour the collection of debts that had been contracted abroad; the proprietaries demanded a rigid conformity to the cruel and intolerant method of the English courts. It had been usual to hold the polls for elections at Charleston only; as population extended, the proprietaries ordered an apportionment of the representation; but Carolina would not allow districts to be carved out, and representation to be apportioned from abroad; and the useful reformation could not be adopted till it was demanded and effected by the people themselves.

England had always favoured its merchants in the invasion of the Spanish commercial monopoly; had sometimes protected pirates; and Charles II. had conferred the honours of knighthood on a freebooter. The treaty of 1667 changed the relations of the pirate and the contraband trader. But men's habits do not change so easily; and in Carolina, especially after Port Royal had been laid waste by the Spaniards, there were not wanting those who regarded the buccaneers as their natural allies against a common enemy;(2) and thus opened one more issue with the proprietaries.

When the commerce of South Carolina had so
1685. increased that a collector of plantation duties was appointed, a new struggle arose. The palatine court, careful not to offend the king, who, nevertheless, was not

(1) Archdale, 13, 14. Hewat, i. 78. Chalmers, 542, 543.

(2) Hewat, i. 92, 93. Chalmers, 547, 548.

diverted from the design of annulling their charter by a process of law, gave orders that the Acts of Navigation should be enforced. The colonists, who had made
 1635. themselves independent of the proprietaries in fact, esteemed themselves independent of parliament of right. Here, as everywhere, the acts were indignantly resisted as at war with natural equity ; here they were also hated, as an infringement of the conditions of the charter, of which the validity was their motive to emigrate.

The pregnant cause of dissensions in Carolina could not be removed, till the question of powers should be definitively settled. The proprietaries were willing to believe that the cause existed in the want of dignity and character in the governor. That affairs might be more firmly established, James Colleton, a brother of a proprietary, was appointed governor, with the rank of landgrave, and an endowment of forty-eight thousand acres of land ; but neither his relationship, nor his rank, nor his reputation, nor his office, nor his acres, could procure for him obedience ; because the actual relations between the con-
 1686. tending parties were in no respect changed. When Colleton met the colonial parliament which had been elected before his arrival, a majority refused to acknowledge the binding force of the constitutions ; by a violent act of power, Colleton, like Cromwell in a similar instance in English history, excluded the refractory members from the parliament. What could follow but a protest from the disfranchised members against any measures which might be adopted by the remaining minority ?

A new parliament was still more intractable ; and
 1687. the "standing laws" which they adopted were negatived by the palatine court.

From questions of political liberty, the strife between the parties extended to all their relations. When
 1687. Colleton endeavoured to collect quit-rents, not only on cultivated fields, but on wild lands also, direct insubordination ensued ; and the assembly, imprisoning the secretary of the province, and seizing the records, defied the governor and his patrons, and entered on a career of absolute opposition.

Colleton resolved on one last desperate effort, and
 1689. pretending danger from Indians or Spaniards, called out the militia, and declared martial law. But who were to execute martial law ? The militia were the people, and

there were no other troops. Colleton was in a more hopeless condition than ever; for the assembly believed itself more than ever bound to protect the country against a military despotism. It was evident the people were resolved on establishing a government agreeable to themselves. The English revolution of 1688 was therefore imitated on the banks of the Ashley and Cooper. Soon^{1690.} after William and Mary were proclaimed, a meeting of the representatives of South Carolina disfranchised Colleton, and banished him from the province.

CHAPTER XIV.

THE COLONIES ON THE CHESAPEAKE BAY.

FOR more than eight years "THE PEOPLE OF VIRGINIA" had governed themselves; and their government had been¹⁶⁵²⁻ conducted with wise moderation. Tranquillity and^{1669.} a rapid increase of population promised the extension of its borders; and colonial life was sweetened by the enjoyment of equal franchises. No trace of established privilege appeared in its code or its government; in its forms and in its legislation, Virginia was a representative democracy; so jealous of a landed aristocracy, that it insisted on universality of suffrage; so hostile to the influence of commercial wealth, that it would not tolerate the "mercenary" ministers of the law; so considerate for religious freedom, that each parish was left to take care of itself. Every officer was, directly or indirectly, chosen by the people.

The power of the people naturally grew out of the character of the early settlers, who were, most of them, adventurers, bringing to the New World no wealth but enterprise; no rank but that of manhood; no privileges but those of Englishmen. The principle of the English law, which grants real estate to the eldest born, was respected; but generations of Virginians had hardly as yet succeeded each other; the rule had produced no effect upon society, and, from the beginning, had been modified in many counties by the custom of gavelkind.⁽¹⁾ Virginia could not imitate those great legislative reforms of the

(1) Jones's State of Virginia, p. 61.

Long Parliament, because her happier soil was free from the burdens of forest laws and military tenures, courts of wards, and star-chambers. The tendency towards a multiplication of religious sects began already to be perceptible, under the freedom of a popular government. In its care for a regular succession of representative assemblies, Virginia exceeded the jealous friends of republican liberty in England; there triennial parliaments had been established by law; the Virginians, imitating the terms of the bill, claimed the privilege of a biennial election of their legislators.⁽¹⁾ In addition to the strength derived from the natural character of the emigrants, from the absence of feudal institutions, from the entire absence of the excessive refinements of legal erudition, and from the constitution, legislation, and elective franchises of the colonists, a new and undefined increase was gained by the universal prevalence of the spirit of personal independence. An instinctive aversion to too much government was always a trait of southern character, expressed in the solitary manner of settling the country, in the absence of municipal governments, in the indisposition of the scattered inhabitants to engage in commerce, to collect in towns, or to associate in townships under corporate powers. As a consequence, there was little commercial industry; and, on the soil of Virginia, there were no vast accumulations of commercial wealth. The exchanges were made almost entirely—and it continued so for more than a century—by factors of foreign merchants. Thus the influence of wealth, under the modern form of stocks and accumulations of money, was always inconsiderable; and men were so widely scattered—like hermits among the heathen—that far the smallest number were within reach of the direct influence of the established church or of government. In Virginia, except in matters that related to foreign commerce, a man's own will went far towards being his law.

Yet the germs of an aristocracy existed; and there was already a tendency towards obtaining for it the sanction of colonial legislation. Unlike Massachusetts, Virginia was a continuation of English society. The first colonists were not fugitives from persecution; they came, rather, under the auspices of the nobility, the church, and the

(1) Hening, i. 517. The bill is modelled after the "act for preventing inconveniences happening by the long intermission of parliament," passed by the commons of England in 1640.

mercantile interests of England; they brought with them an attachment to monarchy; a deep reverence for the Anglican church; a love for England and English institutions. Their minds had never been disciplined into an antipathy to Feudalism; their creed had never been shaken by the progress of scepticism; no new ideas of natural rights had as yet inclined them to "faction." The Anglican church was, therefore, without repugnance, sanctioned as the religion of the state; and a religion established by law always favours aristocracy; for it seeks support, not in conviction only, but in vested rights. The rise of the plebeian sects, which swarmed in England, was, for the present at least, prevented, and unity of worship, with few exceptions, continued for about a century from the settlement of Jamestown. The aristocracy of Virginia was, from its origin, exclusively a landed aristocracy; its germ lay in the manner in which rights to the soil had been obtained. For every person whom a planter should, at his own charge, transport into Virginia, he could claim fifty acres of land; and thus a body of large proprietors had existed from the infancy of the settlement.⁽¹⁾ These vast possessions, often an inheritance for the eldest-born, awakened the feelings of family pride.

The power of the rising aristocracy was still further increased by the deplorable want of the means of education in Virginia. The great mass of the rising generation could receive little literary culture; the higher degrees of cultivated intelligence in the colony were confined to a small number of favoured emigrants. Many of the royalists who came over after the death of Charles I., brought to the colony the culture and education that belonged to the English gentry of that day; and the direction of affairs necessarily fell into their hands. The instinct of liberty may create popular institutions; they cannot be preserved in their integrity, except by the conscious intelligence of the people.

But the distinctions in society were rendered more marked by the character of the plebeian population of Virginia. Many of them had reached the shores of Virginia as servants; doomed, according to the severe laws of that age, to a temporary bondage. Some of them, even, were convicts; but, it must be remembered, the crimes of which they were convicted were chiefly political. The number

(1) *Virginia's Cure*, by R. G., 1662, p. 8.

transported to Virginia for social crimes was never considerable; scarcely enough to sustain the sentiment of pride in its scorn of the labouring population; certainly not enough to affect its character. Yet the division of society into two classes was strongly marked, in a degree unequalled in any northern colony, and unmitigated by public care for education.(1) The system of common schools was unknown. "Every man," said Sir William Berkeley in 1671, "instructs his children according to his ability;" a method which left the children of the ignorant to hopeless ignorance. The instinct of aristocracy dreaded the general diffusion of intelligence, and even the enfranchising influence of the preaching of the ministers. "The ministers," continued Sir William, in the spirit of the aristocracy of the Tudors, "should pray oftener and preach less. But, I thank God, there are no free schools, nor printing; and I hope we shall not have, these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best government. God keep us from both." Thus, in addition to the difficulties which the degraded caste of servants encountered in their endeavours to lift themselves into distinction, the power of the government was exerted to depress whole classes of society. We rightly abhor the envy which delights in debasing excellence; it is a still greater crime against humanity, to combine against the masses in their struggle for intellectual and social advancement.

Still servants were emancipated, when their years of servitude were ended; and the law was designed to secure and to hasten their enfranchisement. The insurrection, which was plotted by a number of servants in 1663, had its origin in impatience of servitude and oppression. A few bondmen, soldiers of Cromwell, and probably Round-heads, were excited by their own sufferings, and by the nature of life in the wilderness, to indulge once more in vague desires for a purer church and a happier condition. From the character of the times, their passions were sustained by political fanaticism; but no definite plan of revolution was devised; nor did the conspiracy extend

(1) "Their almost general want of schooles, for the education of their children, is of most sad consideration, most of all bewailed of the parents there, and therefore the arguments drawn from thence, most likely to prevail with them chearfully to embrace the Remedy."—Virginia's Cure, p. 5.

beyond a scheme of indented servants to anticipate the period of their freedom. The effort was the work of ignorant men, and was easily suppressed.⁽¹⁾ The facility of escape compelled humane treatment of white servants.

Towards the negro, the laws were less tolerant. The statute which declares who are slaves, followed the old idea, long prevalent through Christendom,—“All
1670. servants, not being Christians, imported into this country by shipping, shall be slaves.” Yet it was added, “conversion to the Christian faith doth not make
1682. free.” The early Anglo-Saxon rule, interpreting every doubtful question in favour of liberty, declared the children of freemen to be free. Virginia was humane towards men of the white race; was severe towards the negro. Doubts arose, if the offspring of an Englishman by a negro woman should be bond or free; and the rule
1662. of the Roman law prevailed over the Anglo-Saxon. The offspring followed the condition of its mother. Enfranchisement of the coloured population was not encouraged; the female slave was not subject to taxation; the emancipated negress was a “tithable.” “The
1668. death of a slave from extremity of correction, was not accounted felony; since it cannot be presumed”—such is the language of the statute—“that premeditated
1669. malice, which alone makes murder felony, should induce any man to destroy his own estate.” The legislature did not understand human passion; no such opinion now prevails. Finally, it was made lawful for “persons,
1672. pursuing fugitive coloured slaves, to wound, or even to kill them.” The master was absolute lord over the negro. The slave, and the slave’s posterity, were bondmen; though afterwards, when the question was raised, the devise of negro children *in posse*, the future increase of a bondwoman, was void. As property in Virginia consisted almost exclusively of land and labourers, the increase of negro slaves was grateful to the pride and to the interests of the large landed proprietors. After a long series of years, the institution of slavery renewed a
1705. landed aristocracy, closely resembling the feudal
1727. nobility; the culminating point was the period when slaves were declared to be real estate, and

(1) Hening, ii. 510. Beverley, MS. Letter from N. P. Howard, clerk of the General Court of Virginia.

might be constituted by the owner adscript to the soil.(1)

The aristocracy, which was thus confirmed in its influence by the extent of its domains, by its superior intelligence, and by the character of a large part of the labouring class, naturally aspired to the government of the country; from among them the council was selected; many of them were returned as members of the legislature; and, in the organization of the militia, they also held commissions. The entire absence of local municipal governments necessarily led to an extension, unparalleled in the United States, of the power of the magistrates. The justices of the peace for each county fixed the amount of county taxes, assessed and collected them, and superintended their disbursement; so that military, judicial, legislative, and executive powers were often deposited in the hands of men, who, as owners of large estates, masters of many indented servants, and lords of slaves, already began to exhibit the first indications of an established aristocracy.

Thus, at the period of the restoration, two elements were contending for the mastery in the political life of Virginia; on the one hand, there was in the Old Dominion a people; on the other, a rising aristocracy. The present decision of the contest would depend on the side to which the sovereign of the country would incline. During the few years of the interruption of monarchy in England, that sovereign had been the people of Virginia; and its mild and beneficent legislation, careless of theory, and unconscious of obeying impulses which were controlling the common advancement of humanity, had begun to loosen the cords of religious bigotry, to confirm equality of franchises, to foster colonial industry by freedom of traffic with the world. The restoration of monarchy changed the course of events, took from the people of Virginia the power which was not to be recovered for more than a century, and gave to the forming aristocracy a powerful ally in the royal government and its officers. The early history of Virginia not only illustrates the humane and ameliorating influences of popular freedom, but also presents a picture of the confusion, discontent,

(1) Hening, ii. 283, 490, 491, 170, 267, 270, 299. Conway Robinson's Virginia Practice, i. 527. Hening, iv. 222. Compare v. 432.

and carnage, which are the natural consequences of selfish legislation and a retrograde movement in the cause of popular liberty.

The emigrant royalists had hitherto not acted as a political party, but took advantage of peace to establish their fortunes.(1) Their numbers were constantly increasing ; their character and education procured them respect and influence ; yet no collisions ensued. If one assembly had, what Massachusetts never did, submitted to Richard Cromwell—if another had elected Berkeley as governor—the power of the people still preserved its vigour, and controlled legislative action. But, on the tidings of the restoration of Charles II., the fires of loyalty blazed up, perhaps the more vehemently for their long inactivity. Virginia shared the passionate joy of England. In the mother country, the spirit of popular liberty, contending at once with ancient institutions which it could not overthrow, had been productive of much calamity, and had overwhelmed the tenets of popular enfranchisement in disgust and abhorrence. In Virginia, where no such ancient abuses existed, the same spirit had been productive only of benefits. Yet, to the colony, England still seemed a home ; and the spirit of English loyalty pervaded the plantations along the Chesapeake. With the people it was a generous enthusiasm ; to many of the leading men, loyalty opened a career for ambition ; and, with general consent, Sir William Berkeley, no longer acting as governor, elected by the people, but assuming such powers as his royal commission bestowed, issued writs for an assembly in the name of the king.(2) The sovereignty over itself, which Virginia had exercised so well, had come to an end.

The excitement of the moment favoured the friends of royalty ; and the first assembly which was elected after the restoration, was composed of landholders and
1661. Cavaliers ; men in whose breasts the passions of colonial life had not wholly mastered the attachment to English usages. Of the assembly of 1654, not more than two members were elected at the restoration ; of the assembly of March, 1660, of which an adjourned meeting was held in October, the last assembly elected during the interruption, only eight were re-elected to the first

(1) Clarendon.

(2) Burk, ii. 120.

assembly of Charles II., and, of these eight, not more than five retained their [places].(1) New men came upon the theatre of legislation, bringing with them new principles. The restoration was, for Virginia, a political revolution.

The "first session"(2) of the royalist assembly was in March, 1661. One of its earliest acts—disfranchising a magistrate "for factious and schismatical demeanors,"(3)—marks its political character; but, as democratic institutions had tranquilly and naturally been introduced, so the changes which were now to take place, proceeded from the instinct of selfishness, the hatred to popular power, the blind respect for English precedents, and not from any settled theory of government, or well-developed principles of conduct.

The apprehensions of Virginia were awakened by the establishment of the colonial monopoly in the Navigation Act; and the assembly, alarmed at this open violation of the natural and prescriptive "freedoms" of the colony, appointed Sir William Berkeley its agent, to present the grievances of Virginia and procure their redress. Here, again, the influence of royalist legislation is perceptible; no distrust of the royal power was excited; freedom of trade was the object to which desires were directed, and Virginia reposed confidently in the favour of its monarch. Far different had been the course of the New England states, where the perpetual dread of royal interference persevered in soliciting charters, till they were obtained. Virginia, unhappy in her confidence, lost irrevocably the opportunity of obtaining a liberal patent.

The Ancient Dominion was equally unfortunate in the selection of its agent. Sir William Berkeley did not, even after years of experience, understand the principles of the act against which he was deputed to expostulate. We have seen that he obtained for himself and partners a portion of the territory of Virginia; for the colony he did not secure one franchise.

It merits remark that, even at the hands of Charles II.,

(1) Hening, i. 386, 387, and 526—530; ii. 197, &c. 250.

(2) That this was the "first session," appears from comparing Hening, ii. 147, with Hening, ii. 31. Burk, ii. 120, seems to have been confused by the old mode of reckoning. The assembly of October 11, 1660, was still the last republican assembly. Berkeley had been directed to issue forth his summons to the "present burgesses;" that is, to those chosen before the restoration. Hening, i. 542, 543.

(3) Hening, ii. 39. The victim was "Major John Bond."

the democratic colonies of Rhode Island and Connecticut received greater favour than Virginia. The king employed the loyalty of Virginia to its injury.

For more than a year the Navigation Act, which had been communicated to the Dutch merchants of New Belgium, was virtually evaded in Virginia; (1) mariners of New England, lading their vessels with tobacco, did but touch at a New England harbour on the Sound, and immediately sail for the wharfs of New Amsterdam. But this remedy was partial and transient. By the very nature of foreign commerce, the Act of Navigation could easily be executed in Virginia, because the colony had few ships of its own, and no foreign vessel dared to enter its ports; and the unequal legislation pressed upon its interests with intense severity. The number of the purchasers of its tobacco was diminished; and the English merchants, sure of their market, grew careless about the quality of the article which they supplied. To the colonist, as consumer, the price of foreign goods was enhanced; to the colonist, as producer, the opportunity of a market was narrowed.

Virginia long attempted to devise a remedy against the commercial oppression of England. It was the strong, exercising tyranny over the weak; there could be no remedy but independence. Yet the planters vainly flattered themselves that, by producing an artificial scarcity of tobacco, they might alleviate their distress; and it was repeatedly proposed to Carolina and Maryland, to omit for a year the culture of their staple. These negotiations always remained fruitless; yet the pertinacity with which they were pursued, proves the extremity of suffering occasioned by the acts of navigation. (2)

The burden laid upon the intercolonial traffic was ^{1672.} the more intolerable to the Virginians, because it produced no revenue. It was established exclusively to favour the monopoly of the English merchant; and its avails were all abandoned as a good income to the officers, to stimulate their vigilance. (3)

Thus, at the very season when the rising aristocracy of Virginia was seeking, by the aid of royal influence, to confirm its supremacy, the policy of the English government oppressed colonial industry so severely as to excite

(1) Stuyvesant, July 15, 1662. Albany Records, xviii. 197, and 157, 158.

(2) Hening, ii. 190, 200, 209, 221, 224, 228, 229, 232, 251, 252.

(3) Beverley, 66.

the hostility of the united province. The party which separated itself from the people, and united with the king, in the desire of gaining a triumph over democratic influences, was always on the point of reconciling itself with the people, and making a common cause against the tyranny of the metropolis. On the one hand, it was impelled to rest for support and look for favour to the English monarch; and on the other, by a community of national pride and a fellowship of interests and wrongs, it was blended with the people. The really adverse parties in Virginia were royalists, and the people. The landed aristocracy of Virginia was divided in its affections; and the side to which it inclined was always sure of victory. Did it combine with monarchy? A retrograde movement in society was the consequence. Did it join with the people? Such union was the harbinger of success to popular liberty, and of progress towards independence.

At the epoch of the restoration, the rising aristocracy gained the ascendancy in the legislature. We have seen that the assembly disfranchised "a factious and schismatical magistrate;" in the course of its long-continued sessions, it modified the democratical features of the constitution, and effected a radical change in favour of aristocratic influences. The committee which was appointed to reduce the laws of Virginia to a code, introduced no new principles favourable to liberty; but as if society were capable of being checked in its progress, and confined to fixed forms, it restored the ancient institutions, and repealed the milder laws that Virginia had adopted when she governed herself. The English episcopal church became once more the religion of the state; and though there were not ministers in above a fifth part of the parishes, so that the church was scattered in the desolate places of the wilderness without comeliness,⁽¹⁾ yet the laws demanded strict conformity, and required of every one to contribute to the support of the established church. For assessing parish taxes, twelve vestrymen were now to be chosen in each parish, with power to fill all vacancies in their own body. Here was a revolution in church affairs; the control passed from the parish to a close corporation, which the parish could neither alter nor overrule. In England, dissenters were attempting changes in the liturgy; Virginia required the whole liturgy to be

(1) Virginia's Cure, 1662, p. 2 and 19.

thoroughly read ; no non-conformist might teach, even in private, under pain of banishment ; no reader might expound the Catechism or the Scriptures. The obsolete severity of the laws of Queen Elizabeth was revived against the Quakers. Absence from church was for them an offence, punishable by a monthly fine of twenty pounds sterling. To meet in conventicles of their own, was forbidden under further penalties.

Nor did the law remain a dead letter. A large number of Quakers were arraigned before the court, as recusants. "Tender consciences," said Owen, firmly, "must obey the law of God, however they suffer."—"There is no toleration for wicked consciences," (1) was the reply of the court.

The reformation had diminished the power of the clergy, by declaring marriage a civil contract, not a sacrament. The Independents allowed no marriage but by the magistrates ; Virginia tolerated none but according to the rubric in the Book of Common Prayer.

Religious bigotry recovered all the advantages which had begun to yield to the progress of opinion. (2) Among the plebeian sects of Christianity, the single-minded simplicity with which the Baptists had, from their origin, asserted the enfranchisement of mind, and the equal rights of the humblest classes of society, naturally won converts in America at an early day. The legislature of Virginia, assembling soon after the return of Berkeley from a voyage that had been fruitless to the colony, declared to the world that there were scattered among the rude settlements of the Ancient Dominion "many schismatical persons, so averse to the established religion, and so filled with the new-fangled conceits of their own heretical inventions, as to refuse to have their children baptized ;" (3) and the novelty was punished by a heavy mulct. The freedom of the forests favoured originality of thought ; in spite of legislation, men listened to the voice within themselves as to the highest authority ; and Quakers continued to multiply. Virginia, as if resolved to hasten the colonization of North Carolina, sharpened her laws against all separatists, punished their meetings by heavy fines,

(1) Richmond Records, No. 2, 1660 to 1664, p. 82.

(2) Hening, ii. 44—50.

(3) Ibid. ii. 166. Semple, in his History of the Baptists in Virginia, p. 1, gives them an origin later by a half-century. He is plainly in error. Anabaptists are again named, Hening, ii. 198.

and ordered the more affluent to pay the forfeitures of the poor. The colony that should have opened its doors wide to all the persecuted, punished the ship-master that received non-conformists as passengers, and threatened such as resided in the colony with banishment.(1) John Porter, the burgess for Lower Norfolk, was expelled from the assembly, "because he was well affected to the Quakers."(2)

The legislature was equally friendly to the power of the crown. In every colony where Puritanism prevailed, there was a uniform disposition to refuse a fixed salary to the royal governor. Virginia, at a time when the
1658. chief magistrate was elected by its own citizens, had voted a fixed salary for that magistrate; but the measure, even then, was so little agreeable to the people, that
1659. its next assembly repealed the law.(3) The royalist legislature, for the purpose of well paying his majesty's officers, established a perpetual revenue by a perma-
1662. nent imposition on all exported tobacco; and the royal officers of Virginia, requiring no further action of an assembly for granting taxes, were placed above the influence of colonial legislation.(4) They depended on the province neither for their appointment nor their salary, and the country was governed according to royal instructions,(5) which did, indeed, recognize the existence of colonial assemblies, but offered no guarantee for their continuance. The permanent salary of the governor of Virginia, increased by a special grant from the colonial legislature, exceeded the whole annual expeditue of Connecticut; but Berkeley was dissatisfied. A thousand pounds a year would not, he used to say, "maintain the port of his place; no government of ten years' standing but has thrice as much allowed him. But I am supported by my hopes, that his gracious majesty will one day consider me."(6) Such was a royal governor; how unlike the spirit that prevailed, where the magistrates were elected by the people! Winthrop of Massachusetts expended all his estate for the commonwealth; Berkeley was dissatisfied even after a grant of tens of thousands of square miles.

(1) Hening, ii. 180—183.

(2) Ibid. ii. 198.

(3) Ibid. i. 498—523.

(4) Ibid. ii. 139—132.

(5) Richmond Records, No. 2, 1660 to 1664, p. 130—135.

(6) Chalmers, 528. Hening, ii. 516. Berkeley's commission was not a commission for life.

The organization of the judiciary placed that department of the government almost entirely beyond the control of the people. The governor and council were the highest ordinary tribunal; and these were all appointed, directly or indirectly, by the crown; besides this, there were in each county eight unpaid (1) justices of the peace, commissioned by the governor during his pleasure. These justices held monthly courts, in their respective counties. (2) Thus the administration of justice, in the counties, was in the hands of persons holding their offices at the goodwill of the governor; while the governor himself and his executive council constituted the General Court, and had cognizance of all sorts of causes. Was an appeal made to chancery? It was but for another hearing before the same men; and it was only for a few years longer that appeals were permitted from the general court to the assembly. The place of sheriff in each county was conferred on one of the justices for that county, and so devolved to every commissioner in course. (3) This organization of the county courts in Virginia continues to-day, except that the justices hold their places for life, and nominate their associates and successors.

But the county courts, thus independent of the people, possessed and exercised the arbitrary power of levying county taxes, which, in their amount, usually exceeded the public levy. (4) This system proceeded so far, that the commissioners, of themselves, levied taxes to meet their own expenses. (5) In like manner, the self-perpetuating vestries made out their lists of tithables, and assessed taxes without regard to the consent of the parish. (6) These private levies were unequal and oppressive; were seldom, it is said never, brought to audit, and were, in some cases at least, managed by men who combined to defraud the public. (7)

For the organization of the courts, ancient usage could be pleaded. It was a series of innovations, which gradually effected a revolution in the system of representation.

(1) Hening, ii. 244.

(2) Ibid. ii. 71, 72. Compare the very important tract of Hartwell, Blair, and Chilton, "The Present State of Virginia and the College," p. 43. Printed in 1727, but written near the close of the seventeenth century. Beverley, 220, 221.

(3) Ibid. ii. 21 and 78.

(4) Bland, in Burk, ii. 248.

(5) Hening, ii. 315, 316.

(6) Ibid. ii. 310.

(7) Culpepper, in Chalmers, 355.

The members of the first assembly convened after the restoration, had been chosen for a term of service extending only through two years; the rule of biennial assemblies was adopted in Virginia.(1) The law, which limited the duration of legislative service, and secured the benefits of frequent elections and swift responsibility, was now silently, but "utterly abrogated and repealed."(2) Thus the legislators, on whom the people had conferred a political existence of two years, assumed to themselves, by their own act, an indefinite continuance of power. The parliament of England, chosen on the restoration, was not dissolved for eighteen years. The legislature of Virginia retained its authority for almost as long a period, and yielded it only to an insurrection. Meantime, "the meetings of the people, at the usual places of election," had for their object, not to elect burgesses, but to present their grievances to the burgesses of the adjourned assembly.(3)

The wages of the burgesses were paid by the respective counties; and their constituents possessed influence to determine both the number of burgesses to be elected and the rate of their emoluments. This method of influence was taken away by a law, which, wisely but for its coincidence with other measures, fixed both the number and the charge of the burgesses. But the rate of wages was for that age enormously burdensome, far greater than is tolerated in the wealthiest states in these days of opulence; and it was fixed by an assembly for its own members, who had usurped, as it were, a perpetuity of office. The taxes for this purpose were paid with great reluctance,(4) and, as they amounted to about two hundred and fifty pounds of tobacco for the daily emoluments of each member, became for a new country an intolerable grievance. Discontent was increased by the favouritism which exempted the councillors from the levies.(5)

The freedom of elections was further impaired by "frequent false returns" made by the sheriffs.(6) Against these the people had no sufficient redress; for the sheriffs

(1) Hening, i. 517.

(2) Ibid. ii. 43.

(3) Ibid. ii. 211, 212.

(4) Virginia's Cure, p. 2. Hening, ii. 20, 23, 106, 309, 325. Bland, in Burk, ii. 248. Lord Baltimore, for his quit-rents, received tobacco at two-pence a pound. It was not worth so much on the average, yet in those days of poverty the burgess received probably about nine dollars a day.

(5) Compare Hening, ii. 84, with 359, 392.

(6) Hening, ii. 356.

were responsible neither to them nor to officers of their appointment. And how could a more pregnant cause or discontent exist in a country, where the elective franchise was cherished as the dearest civil privilege?

How dear that franchise was held by the people of Virginia, is distinctly told in their records. No direct taxes were levied in those days, except on polls; lands escaped taxation. The method, less arbitrary in Virginia, where property consisted chiefly in a claim to the labour of servants and slaves, than in a commercial country, or where labour is free, was yet oppressive to the less wealthy classes.

The burgesses, themselves great landholders, resisted ^{1663.} the reform which Berkeley had urged, (1) and connected the burden of the tax with the privileges of citizenship. If land should be taxed, none but landholders should elect the legislature; and then, it was added, "the other freemen, who are the more in number, may repine to be bound to those laws, they have no representations to assent to the making of. And we are so well acquainted with the temper of the people, that we have reason to believe they had rather pay their tax, than lose that privilege." (2)

Thus was the jealous love for liberty remembered, when it furnished an excuse for continuing an unjust method of taxation. But the system of universal suffrage could not permanently find favour with an assembly which had given to itself an indefinite existence, and which laboured to reproduce in the New World the inequalities of English legislation. It was discovered that "the usual way of choosing burgesses by the votes of all freemen," produced "tumults and disturbance." The instinct of aristocratic bigotry denied that the electors would make "choyce of persons fitly qualified for so greate a trust." The restrictions adopted by the monarchical government of England ^{1670.} were cited as a fit precedent for English colonies; and it was enacted that "none but freeholders and housekeepers shall hereafter have a voice in the election of any burgesses." (3)

Thus was a majority of the people of Virginia disfranchised by the act of their own representatives. So true it is, that in representative governments, unless power be

(1) Hening, ii. 204: "A levy upon lands, and not upon heads."

(2) Richmond Records, No. 2, 1660 to 1664, p. 175.

(3) Hening, ii. 280.

limited, and responsibility steadily maintained, the choice of representatives becomes the establishment of a tyranny.

The great result of modern civilization is the diffusion of intelligence among the masses, and a consequent increase of their political consideration. The result is observable everywhere. In the field, the fate of battles depends on infantry, and no longer on the cavalry. Influence has passed away from walled towns and fortresses to the busy scenes of commercial industry, and to the abodes of rustic independence; an active press has increased, and is steadily increasing, the number of reflecting minds that demand a reason for conduct, and exercise themselves in efforts to solve the problem of existence and human destiny. Everywhere the power of the people has increased; it is the undisputed induction from the history of every nation of European origin. The restoration of Charles II. was, therefore, to Virginia a political revolution, opposed to the principles of popular liberty and the progress of humanity. An assembly continuing for an indefinite period, at the pleasure of the governor, and decreeing to its members extravagant and burdensome emoluments; a royal governor, whose salary was established by a permanent system of taxation; a constituency restricted and diminished; religious liberty taken away almost as soon as it had been won; arbitrary taxation in the counties by irresponsible magistrates; a hostility to popular education, and to the press;—these were the changes which, in about ten years, were effected in a province that had begun to enjoy the benefits of a virtual independence, and a gradually ameliorating legislation.

The English parliament had crippled the industry of the planters of Virginia; the colonial assembly had diminished the franchises and impaired the powers of its people; Charles II. was equally careless of the rights and property of its tens of thousands of inhabitants. Just ^{1649.} after the execution of Charles I., during the extreme anxiety and despair of the royalists, a patent for the Northern Neck, that is, for the country between the Rappahannock and the Potomac, had been granted to a company of Cavaliers, as a refuge for their partisans.

^{1669.} About nine years after the restoration, this patent was surrendered, that a new one might be issued to Lord Culpepper, who had succeeded in acquiring the shares of all the associates. The grant was extremely

oppressive, for it included plantations which had long been cultivated.(1) But the prodigality of the king was not exhausted. To Lord Culpepper, one of the most cunning and most covetous men in England,(2) at the time a member of the commission for trade and plantations,(3) and to Henry, Earl of Arlington, the best-bred person at the royal court, allied to the monarch as father-in-law to the king's son by Lady Castlemaine, ever in debt exceedingly, and passionately fond of things rich, polite, and princely,(4) the lavish sovereign of England gave away "all the dominion of land and water, called Virginia," for the full term of thirty-one years.(5)

The assembly of Virginia, composed as it was, in part at least, of opulent landholders, was excited to alarm by dangers which were menaced by the thoughtless grants of a profligate prince; and Francis Morryson, Thomas Ludwell, and Robert Smith, were appointed agents to sail for England, and enter on the difficult duty of recovering for the king that supremacy which he had so foolishly dallied away. "We are unwilling," said the assembly, "and conceive we ought not to submit to those to whom his majesty, upon misinformation, hath granted the dominion over us, who do most contentedly pay to his majesty more than we have ourselves for our labour. Whilst we labour for the advantage of the crown, and do wish we could be yet more advantageous to the king and nation, we humbly request not to be subjected to our fellow-subjects, but, for the future, to be secured from our fears of being enslaved."(6) Berkeley's commission as governor had expired; the aristocratic legislature, which had already voted him a special increase of salary, and which had continued itself in power by his connivance, solicited his appointment as governor for life.(7)

The envoys of Virginia were instructed to ask for the colony the immunities of a corporation; for a corporation could resist further encroachments, and would be able, according to the forms of English law, to purchase of the grantees their rights to the country. The agents more than fulfilled their instructions. They asserted the natural liberties of the colonists; claimed, with earnest

(1) Beverley, 65. Chalmers, 330.

(2) Hartwell, Blair, and Chilton, 31.

(3) Evelyn, ii. 342.

(4) Ibid. 372, 431.

(5) Hening, ii. 569—583, 427—521. Burk, ii. App. xxxiv. &c.

(6) Burk, ii. App. xxxiii. xxxiv.

(7) Ibid. xxxix.

zeal, an exemption from arbitrary taxation ; insisted on the indefeasible right of the colonists to the enjoyment of legislative powers, as the birthright of the children of Englishmen ; and fortified their demands by the favour of Coventry, whom they extolled as one of the worthiest of men ; (1) by the legal erudition of Jones and Winnington, (2) and by the voices of "many great friends," won by a sense of humanity, or submitting to be bribed by poor Virginia. (3) But fidelity, justice, and favour were not enough to secure the object. The agents were detained a twelvemonth without making any progress ; the final failure has been ascribed to tidings from Virginia ; but there is reason to believe, that a secret influence had been irrevocably exerted against the grant of a charter, (4) before the news reached England of the events which involved the Ancient Dominion in gloomy disasters.

For at the time when the envoys were appointed, Virginia was rocking with the excitements that grew out of its domestic griefs. The rapid and effectual abridgment of its popular liberties, joined to the uncertain tenure of property that followed the announcement of the royal grants, would have roused any nation ; how much more a people like the Virginians ! The generation now in existence were chiefly the fruit of the soil ; they were children of the woods, nurtured in the freedom of the wilderness, and dwelling in lonely cottages, scattered along the streams. No newspapers entered their houses ; no printing-press furnished them a book. They had no recreations but such as nature provides in her wilds ; no education but such as parents in the desert could give their offspring. (5) The paths were bridle-ways rather than roads ; and the highway surveyors aimed at nothing more than to keep them clear of logs and fallen trees. (6) I doubt if there existed what we should call a bridge in the whole dominion, though it was intended to build some. (7) Visits were made in boats, or on horseback through the forests ; and the Virginian, travelling with his pouch of tobacco for currency, swam the rivers, where there was neither ferry nor ford.

(1) Burk, ii. App. xxxix. and lvii.

(2) Ibid. xl. xli.

(3) Ibid. xxxix. : "Some with, some without charge."

(4) Loyd's Letter of April 19, 1676, in Burk, ii. App. xxxvi. Hening, ii. 534—537. Beverley, 66. For the documents generally, see Burk, ii. App., where they are huddled together. Hening, ii. 519, &c.

(5) Berkeley, in Chalmers.

(6) Hening, ii. 103.

(7) Ibid. Burk, ii. App. xxxiii.

Almost every planter was his own mechanic. The houses, for the most part of but one story, and made of wood, often of logs, the windows closed by convenient shutters for want of glass,(1) were sprinkled at great distances on both sides of the Chesapeake, from the Potomac to the line of Carolina. There was hardly such a sight as a cluster of three dwellings. Jamestown was but a place of a state-house, one church, and eighteen houses,(2) occupied by about a dozen families. Till very recently, the legislature had assembled in the hall of an alehouse.(3) Virginia had neither towns nor lawyers.(4) A few of the wealthier planters lived in braver state at their large plantations, and surrounded by indented servants and slaves, produced a new form of society, that has sometimes been likened to the manners of the patriarchs, and sometimes to the baronial pride of feudalism. The inventory of Sir William Berkeley gave him seventy horses, as well as large flocks of sheep.(5) "Almost every man lived within sight of a lovely river."(6) The parish was of such extent, spreading over a tract which a day's journey could not cross, that the people met together but once on the Lord's day, and sometimes not at all; the church, rudely built in some central solitude, was seldom visited by the more remote families,(7) and was liable to become inaccessible by the broken limbs from forest-trees, or the wanton growth of underwood and thickets.

Here was a new form of human nature. A love of freedom inclining to anarchy pervaded the country. Among the people, loyalty was a feeblér passion than the love of liberty. Existence "without government" seemed to promise to "the general mass"—it is a genuine Virginia sentiment(8)—"a greater degree of happiness" than the tyranny "of the European governments." Men feared injustice more than they feared disorder. In Europe, people gathered in towns; here they lived by themselves. In the Old World, even the peasantry crowded together into compact villages. The farmers of Virginia lived asunder, and in their mild climate were scattered very

(1) Hammond's *Lear and Rachel*.

(3) Henning, ii. 204.

(5) Document in Burk, ii. 263.

(6) Hammond's *Lear and Rachel*.

(8) Jefferson's Writings, ii. 85. Yet society without government is a

contradiction.

(2) Mass. Hist. Coll. xi. 53.

(4) Burk, ii. 159.

(7) Virginia's Cure, 2, 3.

widely, rarely meeting in numbers, except at the horse-race or the county court.(1)

It was among such a people, which had never been disciplined to resistance by the heresies of sects or the new opinions of "faction" parties, which, till the restoration, had found the wilderness a safe protection against tyranny, and had enjoyed "a fifty years' experience of a government easy to the people," that the pressure of increasing grievances began to excite open discontent. Men gathered together in the gloom of the forests to talk of their hardships. The common people, half conscious of their wrongs, half conscious of the rightful remedy, were ripe for insurrection. A collision between prerogative and popular opinion, between that part of the wealth of the country which was allied with royalism, and the great mass of the numbers and wealth of the country, resting on popular power, between the old monarchical system and the American popular system, was at hand. American freedom had then the principle of life, but was unconscious of its vitality, as the bird that just begins to peck at the shell. Opinions were coming into life; and the plastic effort of modern political being was blindly, but effectually at work.(2)

On the first(3) spontaneous movement of the common people, the men of wealth and established consideration kept aloof. It is always so in revolutions. The revolt was easily suppressed by the calm advice "of some discreet persons," in whom the people had confidence. Yet the movement was not without effect; the county commissioners were ordered to levy no more taxes for their own emoluments.(4) But as the great abuses continued unreformed, the mutinous discontents(5) of the people were not quieted. The common people were rendered desperate by taxes, which deprived labour of nearly all its earnings; and the excitement was increased, when, after a year's patience under accumulated oppressions, they received from the envoys of the colony, themselves by their heavy expenses a new burden, no hope of a remedy from England.(6) To produce an insurrection,

(1) Burk, ii. App. xlix.

(3) Chalmers says, 1675; an error.

(4) Henning, ii. 315, 316.

(6) Beverley, 66.

(2) Bland, in Burk, ii. 247, 151.

(5) Ibid. 539.

nothing was wanting but an excuse for appearing in arms.

The causes which had driven the Indians of New 1674. England to despair, acted with equal force on the natives of Virginia. The English had at first seemed to occupy no more than the skirts of the bay. By degrees they had explored the interior; the remote mountains had become an object of curiosity;(1) and a little band of adventurers had at length crossed the first range of mountains, and, descending into the valley of the Blue Ridge, had examined the heart of Virginia and proclaimed the beauty of the lands which form a succession of the most picturesque valleys in the world.(2) How could jealousies fail to be excited?

The Seneca Indians, a tribe of the Five Nations, had driven the Susquehannahs from their abode at the head of the Chesapeake to the vicinity of the Piscataways on the Potomac;(3) and Maryland had become involved in a war with the Susquehannahs and their confederates.(4) Murders had been committed on the soil of Virginia, and 1675. had been avenged by the militia on the borders.(5) As dangers increased, the river Potomac was guarded; and a body of Virginians, under the command of John Washington, the great-grandfather of George Washington, himself perhaps a surveyor, who had emigrated from the north of England to America eighteen years before, and had planted himself as a farmer in the county of Westmoreland, crossed the river to assist the people of Maryland(6) in besieging the common enemy. The warfare was conducted with vengeful passions. When six of the hostile chieftains presented themselves as messengers to treat of a reconciliation, in the blind fury of the moment they were murdered.(7)

The outrage was rebuked by Berkeley with abrupt energy. The old Cavalier declared, "If they had killed my father and my mother, and all my friends, yet if they had come to treat of peace, they ought to have gone in

(1) Hening, i. 281.

(2) Beverley, 62, 63.

(3) T. M.'s Beginning, Progress, and Conclusion of Bacon's Rebellion, p. 9.

(4) Bacon's Laws of Maryland, 1674, c. xxvii. and xxviii.

(5) T. M.'s Account, 8.

(6) A. Cotton's Account of our Late Troubles in Virginia, p. 3.

(7) Burwell Account of Bacon and Ingram's Rebellion, first printed in Mass. Hist. Coll. xi. 27, &c. Reprinted by P. Force, in 1835. So, too, Cotton, p. 3.

peace.”(1) The monopoly of the beaver-trade in Virginia(2) is also said to have prevailed on the avarice of the governor to favour the Indians.(3)

1675-1676. Meantime the natives, having escaped from their fort, roamed by stealth from plantation to plantation, from the vicinity of Mount Vernon to the Falls of James River, carrying terror to every grange in the province; murdering, in blind fury, till their passions were glutted; and for each one of their chiefs ten of the English had been slain. Now, according to their wild superstitions, would the souls of their great men repose pleasantly in the shades of death.

Proposals of peace were renewed by the Susquehannahs and their confederates. The proposals were rejected. The Indians, subject to Virginia, begin to assert independence. The horrors of insecurity visit every log-house on the frontier; the plantations are laid waste; death ranges the land under the hideous forms of savage cruelty. The spirit that favoured popular liberty, awakes to demand the natural right of self-defence. The people despise the system of defence by forts,(4) which can so easily be 1676. avoided, and which are maintained at a vast and useless charge. With Bacon for their leader, they demand of the governor leave to rise and protect themselves.

Permission was withheld; for should Berkeley confess errors of judgment so glaring, that they could be discerned by the common people, whom the royalists had ever “counted more than half blind?”(5) The influence of the people could not countervail the interests of colonial courtiers, who derived emoluments from solitary abuses; and, as the elective franchise was virtually cancelled, it was in vain that the discontented party constituted much the greater number; there was but fresh indignation at misspent entreaties.(6)

The governor distrusted Nathaniel Bacon, because he was “popularly inclined.”(7) A native of England, born during the contests between the parliament and the king, nursed amidst the convulsive struggles occasioned by the

(1) T. M.’s Account, p. 12.

(2) Hening, ii. 20, 124, 140.

(3) T. M.’s Account, p. 11: “Passion and avarice, to which the governor was more than a little addicted.”

(4) Hening, ii. 326—336.

(5) Burwell Account, 32.

(6) Bland, in Burk, ii. 248. Burwell Account, 32, 33. The Review Breviary by Jeffries. Berry and Morrison, in Burk, ii. 250.

(7) Burwell Account, 33. Burk, ii. 163, 247.

democratic revolution, well educated in a period when every active mind had been awakened to a consciousness of popular rights and popular power,—he had not yielded the love of freedom to the enthusiasm of royalty. Possessing a pleasant address and a powerful elocution, he had rapidly risen to distinction in Virginia. Quick of apprehension, brave, choleric, yet discreet in action,(1) the young and wealthy planter carried to the banks of the James River the liberal principles which he had gathered from English experience. The sect of the Puritans gained no power in Virginia; the ideas which the Puritans had generated, gradually penetrating the English mind, were readily received in the wilds of the Old Dominion; for they were but the ideas which the instinct of human freedom had already whispered to every planter, and which naturally sprung up amidst the equalities of the wilderness. Bacon was resolved on action. Were another white man murdered, he would take up arms against the Indians, even with no commission but his sword; and news was soon brought that his own men had been slain on his plantation, near the scenes where the James River leaps into the lowlands, and the city of Richmond towers above the unrivalled magnificence of flood and vale. Men flocked together tumultuously, running in troops from one plantation to another without a head.(2) The government had ceased to be revered. The council was divided. Five hundred men were soon under arms; the common voice proclaimed Bacon the leader of the enterprise, and his commanding abilities gave the ascendancy to the principles which he advocated, and the party which he espoused.

Moderation on the part of the government would still have secured peace. Sober men in Virginia were of opinion that a few concessions—the secure possession of land, the liberties of free-born subjects of England, a diminution of the public expenses, a tax on real estate rather than on polls alone—would have quieted the colony.(3) The real causes of the insurrection lay in the oppression of the

(1) "Though but a young man, he was master of those endowments which constitute a complete man,—wisdom to apprehend and discretion to choose."—Burwell Account, 34. Compare Jefferson's opinion, prefixed to T. M.'s Account. (2) Beverley, 68.

(3) Bland's Letter to Berne, in Burk, ii. 248, 249. The writer of the letter was one of the victims of the rebellion. Heung, ii. 350. T. M.'s Account, 24.

Navigation Acts, indignation at colonial tyranny, and the rising passion for self-government.

Hardly had Bacon begun to march against the Indians, when Berkeley, yielding to the instigations of an aristocratic faction, proclaimed him and his followers rebels, and levied troops to pursue them. "Those of estates obeyed" (1) the summons to disperse. Bacon, with a small but faithful band, continued his expedition, while a new insurrection compelled Berkeley to return to Jamestown. The lower counties had risen in arms, and, directing their hatred against the old assembly, to which they ascribed their griefs, demanded its "immediate dissolution." (2)

With the whole mass of the people against him, the haughty Cavalier was constrained to yield. The assembly, which had become odious by its long duration, the selfishness of its members, and its diminution of popular freedom, was dissolved; writs for a new election were issued; and Bacon, returning in triumph from his Indian warfare, was unanimously elected a burgess from Henrico county. (3)

In the choice of this assembly, the late disfranchisement of freemen was little regarded. (4) A majority of the members returned were "much infected" with the principles of Bacon; (5) and their speaker, Thomas Godwin, was notoriously a friend to all "the rebellion and treason which distracted Virginia." (6) In the midst of contradictory testimony on the character of the insurgents, the acts of the assembly furnish the highest historical evidence, and must be taken as paramount authority on the purposes of "the Grand Rebellion in Virginia."

The late expenditures of public money had not been accounted for. (7) High debates arose on the wrongs of the indigent, who were oppressed by taxes alike unequal and exorbitant. (8) The monopoly of the Indian trade was suspended. (9) A compromise with the insurgents was effected; on the one hand, Bacon acknowledged his

(1) T. M.'s Account, 11. Compare Burwell Account, 34, 35. T. M. derived his statement from Bacon himself.

(2) Review, in Burk, ii. 250.

(3) T. M.'s Account, 11, 12.

(4) Review, in Burk, ii. 251 and 260.

(5) Justification of Berkeley, in Burk, ii. 260.

(6) Hening, ii. 365 and 557.

(7) Compare Culpepper, in Chalmers, 356.

(8) T. M.'s Account, 13.

(9) Hening, ii. 350.

error in acting without a commission,(1) and the assemblies of disaffected persons were censured as acts of mutiny and rebellion; (2) on the other hand, Bacon was appointed commander-in-chief,(3) to the universal satisfaction of the people, who made the town ring with their joyous acclamations, and hailed "the darling of their hopes" as the appointed defender of Virginia.(4) The church aristocracy was broken up by limiting the term of office of the vestrymen to three years, and giving the election of them to the freemen of each parish.(5) The elective franchise was restored to the freemen whom the previous assembly had disfranchised; and, as "false returns of sheriffs had endangered the peace," the purity of elections was guarded by wholesome penalties.(6) The arbitrary annual assessments, hitherto made by county magistrates, irresponsible to the people, were prohibited; the Virginians insisted on the exclusive right of taxing themselves, and made provision for the county levy,—it was a radical measure, which independent Virginia has not yet imitated,—by the equal vote of their own representatives. The fees of the governor, in cases of probate and administration, were curtailed; the unequal immunities of councillors were abrogated; (7) the sale of wines and ardent spirits was absolutely prohibited, if not at Jamestown, yet otherwise through the whole country; (8) two of the magistrates, notorious for raising county taxes for their private gains, were disfranchised; and finally, that there might be no room for future reproach or discord, all past derelictions were covered under the mantle of a general amnesty.(9) The acts of this assembly manifest the principles of Bacon; and were they not principles of justice, freedom, and humanity?

The measures of the assembly were not willingly conceded by Berkeley, who refused to sign the commission that had been promised.(10) Fearing treachery, Bacon secretly withdrew, to recount his wrongs to the people;

(1) Hening, ii. 543, 544.

(3) Ibid. ii. 349.

(5) Hening, ii. 356.

(7) Ibid. ii. 357, 358, 359.

(8) Ibid. ii. 361: "Ordinaries to sell and utter man's meate, horse-meate, beer, and syder, but no other strong drink whatsoever." James City formed an exception.

(2) Ibid. ii. 352.

(4) Burwell Account, 36.

(6) Ibid. ii. 357.

(9) Hening, ii. 363, 364.

(10) Correct Burk, ii. 167, 168, by p. 251, and Burwell Account, 35, 36, and by T. M.'s Account, 15: "Governor's generosity, wheedles to amuse and circumvent," &c.

and in a few days he reappeared in the city at the head of nearly five hundred armed men.(1) Passion sustained for a season the courage of the old Cavalier. Advancing to meet the troops, and baring his breast, he cried, "A fair mark, shoot."—"I will not," replied Bacon, "hurt a hair of your head, or of any man's; we are come for the commission to save our lives from the Indians."(2) When passion had subsided, Berkeley yielded. The commission was issued; the governor united with the burgesses and council in transmitting to England warm commendations of the zeal, loyalty, and patriotism of Bacon, and the ameliorating legislation of the assembly was ratified. That better legislation was completed, according to the new style of computation, on the fourth day of July,(3) 1676, just one hundred years, to a day, before the congress of the United States, adopting the declaration which had been framed by a statesman of Virginia, who, like Bacon, was "popularly inclined," began a new era in the history of man. The eighteenth century in Virginia was the child of the seventeenth; and Bacon's rebellion, with the corresponding scenes in Maryland, and Carolina, and New England, was the early harbinger of American independence and American nationality.

A momentary joy pervaded the colony. Encouraged by the active energy of Bacon, men scoured the forests and the swamps, wherever an Indian ambush could lie concealed. Security dawned; industry began to resume its wonted toils; when, just as the little army was preparing to march against the enemy, the governor violated the amnesty. Repairing to Gloucester county, the most populous and most loyal in Virginia, he summoned a convention of the inhabitants. "The whole convention" disrelished his proposals; esteeming Bacon the defender of their countrymen.(4) But the petulant pride of the Cavalier could not be appeased; against the advice of the most loyal county in Virginia, Bacon was once more proclaimed a traitor.(5)

But when did Virginia ever desert her patriot citizens? The news was conveyed to the camp by Drummond, the former governor of North Carolina, and by Richard

(1) Hening, ii. 380, says 600.

(2) T. M.'s Account, 17.
(3) Hening, ii. 363: "June twenty-fourth," old style; that is, July 4., 1676.

(4) Burwell Account, 38.

(5) Burwell Account, 39. Burk. ii. 61. Beverley, 71.

Lawrence,(1) a pupil of Oxford, distinguished from the university for learning and sobriety, a man of deep reflection and of energy of purpose. "It vexes me to the heart," said Bacon, "that while I am hunting the wolves and tigers that destroy our lambs, I should myself be pursued as a savage. Shall persons wholly devoted to their king and country—men hazarding their lives against the public enemy—deserve the appellation of rebels and traitors? The whole country is witness to our peaceable behaviour. But those in authority, how have they obtained their estates? Have they not devoured the common treasury? What arts, what sciences, what schools of learning, have they promoted? I appeal to the king and parliament, where the cause of the people will be heard impartially."(2)

Meanwhile, addressing himself to the people of Virginia, he invited all, by their love of country, their love to their wives and children, to gather in a convention, and rescue the colony from the tyranny of Berkeley. The call was answered; none were willing to sit idle in the time of general calamity. The most eminent men in the colony came together at Middle Plantations, now Williamsburgh; Bacon excelled them all in arguments; the public mind seemed to be swayed by his judgment, and an oath was taken by the whole convention, to join him against the Indians, and, if possible, to prevent a civil war. Should the governor persevere in his obstinate self-will, they promise to protect Bacon against every armed force; and, after long and earnest arguments, held before the people in the open air from noon till midnight, it was resolved, that, even if troops should arrive from England, Virginia would resist till an appeal could reach the king in person.(3)

Fortified by the vote of the people, Bacon proceeded against the Indians, while Berkeley withdrew beyond the Chesapeake, and, by promises of booty, endeavoured to collect an army on the eastern shore, and among the seamen in the harbour.

The condition of Bacon and his followers became critical. Drummond, who was versed in the early history of

(1) T. M.'s Account, 15. Burwell Account, 79.

(2) Burwell Account, 39—41.

(3) Burwell Account, 41—46. Burk, ii. 261. T. M.'s Account, p. 21, less distinct. Cotton, p. 7, very clearly told. Beverley, 73, 74.

Virginia, advised that Berkeley should be deposed, and Sir Henry Chichely substituted as governor. The counsel was disliked. "Do not make so strange of it," said Drummond, "for I can show, from ancient records, that such things have been done in Virginia." (1) Besides, the period of ten years, for which Berkeley was appointed, had already expired. (2) After much discussion, it was agreed, that the retreat of the governor should be taken for an abdication; and Bacon, who had been a member of the council, with four of his colleagues, issued writs for a representative convention of the people, by which the affairs of the colony should be managed. Virginia was revolutionized by the act of its own inhabitants, and government was instituted on the basis of popular power. The wives of Virginia statesmen shared the enthusiasm. "The child that is unborn," said Sarah Drummond,— "a notorious and wicked rebel,"—"shall have cause to rejoice for the good that will come by the rising of the country." (3) "Should we overcome the governor," said Ralph Weldinge, "we must expect a greater power from England, that would certainly be our ruin." Sarah Drummond remembered that England was divided into hostile factions for the Duke of York and the Duke of Monmouth. Taking from the ground a small stick, she broke it in twain, adding, "I fear the power of England no more than a broken straw." The relief from the hated Navigation Acts seemed certain. Now "we can build ships," it was urged, "and, like New England, trade to any part of the world." (4) The stout-hearted woman would not suffer a throb of fear in her bosom. In the greatest perils to which her husband was exposed, she confidently exclaimed, "We shall do well enough;" continuing to encourage the people and inspire the soldiers with her own enthusiasm. (5)

After the lapse of a century, the same passions and the same legislation returned. The early legislators of America were near to nature, and set natural precedents. Connecticut had offered a model for a popular government; Virginia gave an example of a popular revolution. There is an analogy between early American politics and the

(1) Bonds, &c. from 1677 to 1682, p. 106, in office of General Court at Richmond, where I copied this and other incidents relating to Bacon's rebellion, from unpublished records.

(2) Bonds, &c. p. 107. Berkeley, in Chalmers, calls his government settlement of ten years.

(3) Ibid. &c. p. 105.

(4) Compare Bonds, &c. pp. 110 and 89.

(5) Ibid. &c. p. 89.

earliest heroic poems. Both were spontaneous, and both had the vitality of truth. Long as natural affection endures, the poems of Homer will be read with delight; long as freedom lives on earth, the early models of popular legislation and action in America will be admired. The present effort wins new interest from its failure. The flag of freedom was unfurled, only to be stained with blood; the accents of liberty were uttered, only to be choked by executions.

Meantime, Sir William Berkeley collected in Accomack a large crowd of followers; men of a base and cowardly disposition, allured by the passion for plunder.(1) Civil wars were one of the means of enfranchising the serfs of England. Berkeley promised freedom to the servants of the insurgents, if they would rally under his banner. The English vessels in the harbours naturally joined his side. With a fleet of five ships and ten sloops, attended by royalists, a rabble of covetous hirelings, and a horde of Indians,(2) the Cavalier sailed for Jamestown, where he landed without opposition. Entering the town, he fell on his knees, returning thanks to God for his safe arrival; and again proclaimed Bacon and his party traitors and rebels.

The cry resounded through the forests for "the countrymen" to come down. "Speed," it was said, "or we shall all be made slaves—man, woman, and child." "Your sword," said Drummond to Lawrence, "is your commission and mine too; the sword must end it;"(3) and both prepared for resistance.

Returning from a successful expedition, and disbanding his troops, Bacon had retained but a small body of men for his personal defence, when the tidings of the fleet from Accomack surprised him in his retirement. His eloquence inspired his few followers with courage. "With marvelous celerity" they hasten towards their enemy. On the way, they secure as hostages the wives of royalists who were with Berkeley, and they soon appear under arms before Jamestown. The trumpet sounds defiance; and, under the mild light of a September moon, a rude intrenchment is thrown up. Civil war was begun. Night,

(1) All accounts concur. Berkeley's Vindication, in Burk, ii. 262 "Taking anything from the rebels, imputed a heinous crime." The complaint implies that there had been pillage. Review, in Burk, ii. 252. Burwell Account, 47, 48.

(2) Bonds, &c. 113, 114.

(3) Ibid. 110, 113.

the season, nature, freedom, all demanded peace. If the New World could not create friendship among the outcasts from Europe, were not the woods wide enough to hide men from each other's anger?

Victory did not hesitate. The followers of Berkeley were too cowardly to succeed in a sally ;(1) and to secure plunder, they made grounds to desert.(2) No considerable service was done, except by the seamen. What availed the passionate fury and desperate courage of a brave and irascible old man? The royalists deserted the town, and escaped in their fleet by night.

On the morning after the retreat, Bacon entered the little capital of Virginia. There lay the ashes of Gosnold ; there the gallant Smith had told the tale of his adventures of romance ; there English wives had been offered for sale to eager colonists ; there Pocahontas had sported in the simplicity of innocence. For nearly seventy years, it had been the abode of Anglo-Saxons. But could Bacon retain possession of the town? And should he abandon it as a stronghold for the enemies of his country? The rumour prevailed that a party of royalists from the northern counties was drawing near. In a council of war, it was resolved to burn Jamestown, the only town in Virginia, that no shelter (3) might remain for an enemy. Should troops arrive from England, every man was ordered to retire into the wilderness.(4) Tyrants would hardly chase the planters into their scattered homes, among the woods. And, as the shades of night descended, the village was set on fire. Two of the best houses belonged to Lawrence and Drummond ; each of them, with his own hand, kindled the flames that were to lay his dwelling in ashes.(5) The little church, the oldest in the Dominion, the newly-erected state-house, were consumed. In the darkness of night, the conflagration blazed high in the air, and was seen by the fleet that lay at anchor twenty miles below the town.(6) Virginia offered its only village as a victim for its freedom. Patriots fired their own houses, lest they should harbour enemies to their country. The ruins of the tower of the church, and the memorials in the adjacent grave-

(1) Burwell Account, 53, 54.

(2) Review, in Burk, ii. 252.

(3) For the motive, Cotton, p. 8, and T. M.'s Account, p. 21 : "The rogues should harbour no men there," "To prevent a future siege."

(4) T. M.'s Account, p. 21.

(5) Ibid. 21.

(6) Review, in Burk, ii. 252, and Burwell Account, 54.

yard, are all that now mark for the stranger the peninsula of Jamestown.(1)

From the smoking ruins, Bacon hastened to meet the royalists from the Rappahannock. No engagement ensued; the troops, in a body, joined the patriot party; and Brent, their royalist leader, was left at the mercy of the insurgents. Even the inhabitants of Gloucester gave pledges of adhesion. Nothing remained but to cross the bay, and revolutionize the eastern shore.

The little army of Bacon had been exposed, by night, to the damp dews of the lowlands; and the evening air of the balmy autumn was laden with death. Bacon himself suddenly sickened; his vital energies vainly struggled with the uncertain disease,(2) and on the first day of October he died. Seldom has a political leader been more honoured by his friends. "Who is there now," said they, "to plead our cause? His eloquence could animate the coldest hearts; his pen and sword alike compelled the admiration of his foes, and it was but their own guilt that styled him a criminal. His name must bleed for a season; but when time shall bring to Virginia truth crowned with freedom, and safe against danger, posterity shall sound his praises."(3)

An uneducated people obeys promptly the first call to action for freedom; it is less capable of union and perseverance. The death of Bacon left his party without a head. A series of petty insurrections followed; but in Robert Beverley the royalists found an agent superior to

(1) Hawks's Contributions, 20.

(2) Was Bacon poisoned? Hening rashly ventures the conjecture, ii. 374. Yet in 1680, Hening, ii. 460, his death is called "infamous and exemplary;" and, in 1677, Hening, ii. 374, it is called "just, and most exemplary." In Hening, ii. 426, in a subsequent order from England. "all waies of force and designe" are sanctioned. An old poet, in the Burwell Account, p. 58, writes,—

" Virginia's foes, dreading their just desert,
Corrupted Death by Paracelsian art
Him to destroy."

And a royalist, in reply, p. 59, does not hesitate to write,—

" Then how can it be counted for a sin,
Though Death, nay, though myself had bribed been,
To guide the fatal shaft? We honour all
That lend a hand unto a traitor's fall."

(3) In the old chronicle, p. 59,—

" While none shall dare his obsequies to sing,
In deserved measures, until time shall bring
Truth crowned with freedom, and from danger free,
To sound his praises to posterity."

any of the remaining insurgents. The ships in the river were at his disposal, and a continued warfare in detail restored the supremacy of the governor.

Thomas Hansford, a native Virginian, was the first partisan leader whom Beverley surprised. Young, gay, and gallant, nursed among the forests of the Old Dominion, fond of amusement, not indifferent to pleasure, impatient of restraint, keenly sensitive to honour, fearless of death, and passionately fond of the land that had given him birth, he was a true representative of the Virginia character. Summoned before the vindictive Berkeley, he disdained to shrink from the malice of destiny, and Berkeley condemned him to be hanged. Neither at his trial nor afterwards, did he show any diminution of fortitude. He demanded no favour, but that "he might be shot like a soldier, and not hanged like a dog." "You die," it was answered, "not as a soldier, but as a rebel." During the short respite after sentence, his soul was filled with the prospect of immortality. Reviewing his life, he expressed penitence for every sin. What was charged on him as rebellion, he denied to have been a sin. "Take notice," said he, as he came to the gibbet, "I die a loyal subject, and a lover of my country." That country was Virginia. Hansford perished, the first native of America on the gallows, a martyr to the right of the people to govern themselves.(1)

Taking advantage of their naval superiority, a party of royalists entered York River, and surprised the troops that were led by Edmund Cheesman and Thomas Wilford. The latter, a younger son of a royalist knight, who had fallen in the wars for Charles I., a truly brave man, and now by his industry a successful emigrant, lost an eye in the skirmish. "Were I stark blind," said he, "the governor would afford me a guide to the gallows." When Cheesman was arraigned for trial, Berkeley demanded, "Why did you engage in Bacon's designs?" Before the prisoner could frame an answer, his wife, a young woman, stepped forward—"My provocations"—such were her words—"made my husband join in the cause for which Bacon contended; but for me, he had never done what he has done. Since what is done," she added, falling on her knees, "was done by my means, I am most guilty; let me bear the punishment; let me be hanged, but let my

(1) Burwell Account, 62. Cotton, 9. Hening, iii. 567.

husband be pardoned." She spoke truth ; but the governor angrily cried, "Away !" adding reproach to the purity of her nuptial bed. Proud insolence ! As if woman would die for one she had dishonoured ! (1)

As the power of Berkeley increased, his passions were whetted by the opportunity of indulgence. Nothing is so merciless as offended pride ; a former affront is remembered as proof of weakness ; and it seeks to restore self-esteem by a flagrant exercise of recovered power. Avarice also found delight in fines and confiscations ; no sentiment of clemency was tolerated. From fear that a jury would bring in verdicts of acquittal, men were hurried to death from courts-martial. (2) "You are very welcome,"^{1677.} cried the exulting Berkeley, with a low bow, on meeting William Drummond, as his prisoner ; "I am more glad to see you than any man in Virginia ; you shall be hanged in half an hour." The patriot, avowing boldly the part he had acted, was condemned at one o'clock, and hanged at four. His children and wife were driven from their home, to depend on the charity of the planters. (3) At length it was deemed safe to resort to the civil tribunal, where the judges proceeded with the virulence of accusers. Of those who put themselves on trial, none escaped being convicted and hanged. A panic paralyzed the juries, there was in most men so much guilt or fear. (4) What though commissioners arrived with a royal proclamation,^{1677.} promising pardon to all but Bacon ? (5) In defiance of remonstrances, executions continued till twenty-two had been hanged. Three others had died of cruelty in prison ; three more had fled before trial ; two had escaped after conviction. More blood was shed than, on the action of our present system, would be shed for political offences in a thousand years. "The old fool," said the kind-hearted Charles II., with truth, "has taken away more lives in that naked country, than I for the murder of my father." And in a public proclamation he censured the conduct of Berkeley, as contrary to his commands and derogatory to

(1) Burwell Account, 64. Henning, ii. 375. Cotton, 9.

(2) True Account, in Burk, ii. 254.

(3) Bonds, &c. pp. 87 and 111. Burwell Account, 79. Henning, ii. 370, 546, 558. Burk, ii. 201, 263, 264, 266.

(4) True Account, in Burk, ii. 255.—N.B. Let the reader not be led astray by the very ridiculous error of Burk, ii. 200, where he narrates "the acquittal of ten in one day."—Pure fiction, though repeated by a late writer. Compare Burk, ii. 255 and 263.

(5) Henning, ii. 428, 429.

his clemency.(1) Nor is it certain when the carnage would have ended, had not the assembly, newly convened, voted an address "that the governor would spill no more blood." "Had we let him alone, he would have hanged half the country," said the member from Northampton to his colleague from Stafford.(2)

The memory of those who have been wronged is always pursued by the ungenerous. England, ambitious of absolute colonial supremacy, could not render justice to the principles by which Bacon was swayed. No printing-press was allowed in Virginia. To speak ill of Berkeley or his friends, was punished by whipping or a fine; to speak or write, or publish anything in favour of the rebels or the rebellion, was made a high misdemeanour; if thrice repeated, was evidence of treason.(3) Is it strange that posterity was for more than a hundred years defrauded of the truth? Every accurate account of the insurrection remained in manuscript till the present century.(4)

It was on occasion of this rebellion, that English troops were first introduced into the English colonies in America. Their support was burdensome. After three years they were disbanded, and probably mingled with the people.(5)

With the returning squadron Sir William Berkeley sailed for England. Guns were fired, and bonfires kindled at his departure.(6) Public opinion in England censured his conduct with equal severity; and Lord Berkeley used to say, that the unfavourable report of the commissioners in Virginia caused the death of his brother. It took place soon after Sir William's arrival in England, before he had had an opportunity of waiting on the king.

The results of Bacon's rebellion were disastrous for Virginia. The suppression of an insurrection furnished an excuse for refusing a liberal charter, and conceding nothing more than a patent, containing not one political franchise.(7) Freedom in Virginia rested on royal favour, and was measured by the royal will, except so far

(1) Hening, ii. 429. Oldmixon, i. 257, asserts that the king highly approved of Berkeley's conduct. The proclamation must be allowed the highest possible authority to the contrary.

(2) T. M.'s Account, 24. Hening, ii. 545—558.

(3) Hening, ii. 385, 386.

(4) Compare Walsh's Appeal, 78.

(5) Chalmers, 351, 352.

(6) F. Morryson, in Burk, ii. 267.

(7) Burk, ii. App. lxi. Hening, ii. 532. Beverley, 76.

as the common law protected the inhabitants in the rights of Englishmen. The form of government was further defined by royal instructions (1) that had been addressed to Berkeley. Assemblies were required to be called but once in two years, and to sit but fourteen days, unless for special reasons. "You shall take care," said the king, "that the members of assembly be elected only by freeholders." In conformity with these instructions, all ¹⁶⁷⁷ the acts of Bacon's assembly, except perhaps one which permitted the enslaving of Indians, and which was confirmed and renewed, were absolutely repealed, (2) and the former grievances immediately returned. The private levies, unequal and burdensome, were managed by men who combined to defraud; the public revenues were often misapplied; each church was again subjected to its self-perpetuating vestry; an enormous loss had been sustained by the insurrection; and the burden was more severely felt by the poorer classes, because the elective franchise was circumscribed, while taxes continued to be levied by the poll. (3) The commissioners sent by the king, to inquire into the condition of Virginia, allowed every district to present its afflictions. The happy county of Westmoreland, the county of which John Washington was a Burgess and a magistrate, (4) declared that it felt no grievances. (5) In other counties there were long reports of tyranny and rapine. But if complaints were heard with impartiality—if the rash imprudence of Berkeley did not escape rebuke—every measure of effectual reform was considered void, and every aristocratic feature that had been introduced into legislation, was perpetuated.

While the restoration had thus been attended by scenes of carnage and civil war, the progress of Maryland, under the more generous proprietary government, was tranquil and rapid. Like Virginia, Maryland was a colony of planters; its staple was tobacco, and its prosperity was equally checked by the pressure of the Navigation Acts. Like Virginia, it possessed no considerable village; its inhabitants were scattered among the woods and along the rivers; each plantation was a little world within itself, and legislation vainly attempted the creation of towns by

(1) Hening, ii. 424—426, where they are printed at large.

(2) Ibid. ii. 380; ii. 346, 404.

(3) Culpepper, in Chalmers, 355, 356.

(4) Hening, ii. 250, 309, 330.

(5) Chalmers, 338.

statute. Like Virginia, its labourers were in part indentured servants, whose term of service was limited by persevering legislation; (1) in part negro slaves, who were employed in the colony from an early period, and whose importation was favoured both by English cupidity and by provincial statutes. (2) As in Virginia, the appointing power to nearly every office in the counties, as well as in the province, was not with the people; and the judiciary was placed beyond their control. (3) As in Virginia, the party of the proprietary, which possessed the government, was animated by a jealous regard for prerogative, and by the royalist principles, which derive the sanction of authority from the will of heaven. As in Virginia, the taxes levied by the county officers were not conceded by the direct vote of the people, and were, therefore, burdensome alike from their excessive amount and the manner of their levy. (4) But though the administration of Maryland did not favour the increasing spirit of popular liberty, it was marked by conciliation and humanity. To foster industry, to promote union, to cherish religious peace,—these were the honest purposes of Lord Baltimore during his long supremacy.

At the restoration, the authority of Philip Calvert, whom the proprietary had commissioned as his deputy, was promptly and quietly recognized. Fendall, the former governor, who had obeyed the impulse of the popular will, as paramount to the authority of Baltimore, was convicted of treason. His punishment was mild; a wise clemency veiled the incipient strife between the people and their sovereign, under a general amnesty. Peace was restored, but Maryland was not placed beyond the influence of the ideas which that age of revolution had set in motion; and the earliest opportunity would renew the strife.

Yet the happiness of the colony was enviable. The persecuted and the unhappy thronged to the domains of the benevolent prince. If Baltimore was, in one sense, a monarch,—like Miltiades at Chersonesus, and other founders of colonies of old—his monarchy was tolerable to the exile who sought for freedom and repose. Numerous

(1) Bacon, 1661, c. x.; 1662, c. vi.

(2) Ibid. 1671, c. ii.; confirmed 1672, c. ii.; renewed Oct. 1692, c. lii.

(3) Macculloch's Maryland, 155, &c.

(4) This is in part inference from the laws at large. Compare T. M.'s Account of Bacon's Rebellion, p. 21. An important passage.

ships found employment in his harbours. The white labourer rose rapidly to the condition of a free proprietor; the female emigrant was sure to improve her condition, and the cheerful charities of home gathered round her in the New World. Affections expanded in the wilderness, where artificial amusements were unknown. The planter's whole heart was in his family; his pride in the children that bloomed around him, making the solitudes laugh with innocence and gaiety.

Emigrants arrived from every clime; and the colonial legislature extended its sympathies to many nations, as well as to many sects. From France came Huguenots; from Germany, from Holland, from Sweden, from Finland, I believe from Piedmont, the children of misfortune sought protection under the tolerant sceptre of the Roman Catholic. Bohemia itself, (1) the country of Jerome and of Huss, sent forth its sons, who at once were made citizens of Maryland with equal franchises. The empire of justice and humanity, according to the light of those days, had been complete but for the sufferings (2) of the people called Quakers. Yet they were not persecuted for their religious worship, which was held publicly, and without interruption. (3) "The truth was received with reverence and gladness;" and with secret satisfaction George Fox relates that members of the legislature and the council, persons of quality, and justices of the peace, were present at a large and very heavenly meeting. The Indian emperor, after a great debate with his council, came also, followed by his kings, with their subordinate chieftains, and, reclining on the eastern shore of the Chesapeake, they listened to the evening discourse of the benevolent wanderer. At a later day, the heir of the province attended a Quaker assembly. But the refusal of the Quakers to perform military duty subjected them to fines and harsh imprisonment; the refusal to take an oath sometimes involved them in a forfeiture of property; nor was it before 1688, six years after the arrival of William Penn in America, that indulgence was fully conceded.

Meantime the virtues of benevolence and gratitude ripened together. Charles, the eldest son of the proprietary, came to reside in the province which was to

(1) Bacon, 1666, c. vii.

(2) Besse, ii. 381—388. Very exact. McMahon, 227, less full than the Quaker historian.

(3) George Fox's Journal, 448, &c.

be his patrimony. He visited the banks of the Delaware,⁽¹⁾ and struggled to extend the limits of his jurisdiction.⁽²⁾ As in Massachusetts, money was coined at a provincial mint,⁽³⁾ and, at a later day, the value of foreign coins was arbitrarily advanced. A duty was levied on the tonnage of every vessel that entered the waters.⁽⁴⁾ It was resolved to purchase a state-house, which was subsequently built at a cost of forty thousand pounds of tobacco—about a thousand dollars. The Indian nations were pacified; and their rights, subordination, and commerce, defined and established. But the mildest and most amiable feature of legislation is found in the acts of compromise⁽⁵⁾ between Lord Baltimore and the representatives of the people, in which the power of the former to raise taxes was accurately limited, and the mode of paying quit-rents established on terms favourable to the colony; while, on the other hand, a custom of two shillings a hogshead was levied on all exported tobacco, of which a moiety was appropriated to the defence of the government; the residue became conditionally the revenue of the proprietary. The compromise, though called “an act of gratitude,” was favourable to the colonists. The people held it a duty themselves to bear the charges of government, and they readily acknowledged the unwearied care of the proprietary for the welfare of his dominions.

Thus was the declining life of Cecilius Lord Baltimore, the father of Maryland, the tolerant legislator, the benevolent prince, blessed with the success which philanthropy deserves. The colony which he had planted in youth, crowned his old age with its gratitude. Who among his peers could vie with him in honours? A firm supporter of prerogative, a friend to the Stuarts, he was touched with the sentiment of humanity; an earnest disciple of the Roman church, of which he venerated the expositions of truth as infallible, he, first among legislators, established an equality among sects. Free from religious bigotry, a

(1) Albany Records, xvii. 286: “Young Baltimore has in contemplation to make a visit on the river” (xvii. 297).

(2) Compare Albany Records, xvii. 315, 245; xviii. 337—365. More on this subject hereafter. Heerman’s *Journal* sheds a clear light on the controversy with Penn.

(3) Bacon, 1661, c. iv.; 1662, c. viii.; 1686, c. iv.

(4) Ibid. 1661, c. vii.

(5) Ibid. 1662, c. xix.; 1671, c. xi.; 1674, c. i.

lover of concord and of tranquillity, he could not rise above the political prejudices of his party. He knew not the worth or the fruits of popular power; he had not perceived the character of the institutions which were forming in the New World, and his benevolent designs were the results of his own moderation, the fruit of his personal character, without regard to the spirit of his age. In Rhode Island, intellectual freedom was a principle which Roger Williams had elicited from the sympathies of the people; in Maryland, it was the happy thought of the sovereign, who did not know that ideas find no secure shelter but in the breast of the multitude. The people are less easily shaken than the prince. Rhode Island never lost the treasure of which it had become conscious. The principle of freedom of mind did not exist in the people of Maryland, and, therefore, like the benevolence of individuals, was an uncertain possession, till the same process of thought, which had redeemed the little colony of the north, slowly, but surely, infused itself into the public mind on the Chesapeake. Lord Baltimore failed to obtain that highest fame, which springs from successful influence on the masses; his personal merits are free from stain. The commercial metropolis of Maryland commemorates his name; the memory of his wise philanthropy survives in American history. He died, after a supremacy of 1675. more than forty-three years, leaving a reputation for temperate wisdom, which the dissensions in his colony and the various revolutions of England could not tarnish. He did not leave the impress of his mind on the political character of Maryland, and, therefore, failed of obtaining the brightest glory of a legislator. Of the elements of which he was primarily the author, nothing endured but the rights of property reserved for his family.

The death of Cecilus recalled to England the heir 1676. of the province, who had now administered its government for fourteen years with a moderation which had been rewarded by the increasing prosperity of his patrimony. Previous to his departure, the whole code of laws received a thorough revision; the memorable act of toleration was confirmed. Virginia had, six years 1670. before, prohibited the importation of felons, until the king or privy council should reverse the order. In Maryland, "the importation of convicted persons" was absolutely prohibited, without regard to the will of the king or

the English parliament, and in 1692 the prohibition was renewed.(1) The established revenues of the proprietary were continued.

As Lord Baltimore sailed for England, the seeds of discontent were already germinating. The office of proprietary, a feudal principality, with extensive manors in every county, was an anomaly; the sole hereditary legislator in the province, his power was not in harmony with the political predilections of the colonists, or the habits of the New World. The doctrine of the paramount authority of an hereditary sovereign was at war with the spirit which emigration fostered, and the principles of civil equality naturally grew up in all the British settlements. The insurrection of Bacon found friends north of the Potomac, and a rising was checked only by the prompt energy of the government.(2) But the vague and undefined cravings after change, the tendency toward more popular forms of administration, could not be repressed. The

assembly which was convened during the absence of 1678. the proprietary shared in this spirit; and the right of suffrage was established on a corresponding basis.(3) The party of "Baconists" had obtained great influence on the public mind. Differences between the proprietary and the people became apparent. On his return to the pro-

vince, he himself, by proclamation, annulled the rule 1681. which the representatives of Maryland had established respecting the elective franchise, and, by an arbitrary ordinance, limited the right of suffrage to freemen possessing a freehold of fifty acres, or having a visible personal estate of forty pounds. No difference was made with respect to colour. In Virginia, the negro, the mulatto, and the Indian, were first disfranchised in 1723; in Maryland, they retained by law the right of suffrage

till the time when the poorest white man recovered 1802. his equal franchise. These restrictions, which, for one hundred and twenty-one years, successfully resisted the principle of universal suffrage among freemen of the Caucasian race, were introduced in the midst of scenes of civil commotion. Fendall, the old republican,(4) was

(1) Hening, ii. 509, 510. Bacon, 1676, c. xvi.

(2) T. M.'s Account, p. 21. Lord Baltimore to the Earl of Anglesey, in Chalmers, p. 376: "In the time of Bacon's rebellion, he [Fendall] tried to raise a rebellion here."

(3) Bacon, 1678, c. iii. McMahon, 445.

(4) Documents, in Chalmers, 376. The letter is from Lord Baltimore,—of course, an *ex parte* statement.

again planning schemes of insurrection, and even of independence. The state was not only troubled with poverty, but was in danger of falling to pieces; for, it was said, "The maxims of the old Lord Baltimore will not do in the present age." (1)

The insurrection was for the time repressed; but its symptoms were the more alarming from the religious fanaticism with which the principle of popular power was combined. The discontents were increased by hostility toward the creed of Papists; and, as Protestantism became a political sect, the proprietary government was in the issue easily subverted; for it had struck no deep roots either in the religious tenets, the political faith, or the social condition of the colony. It had rested only on a grateful deference, which was rapidly wearing away.

1676. Immediately on the death of the first feudal sovereign of Maryland, the powerful influence of the archbishop of Canterbury had been solicited to secure an establishment of the Anglican church, which clamoured for favour in the province where it enjoyed equality. Misrepresentations were not spared. "Maryland," said a clergyman of the church, "is a pest-house of iniquity." The cure for all evil was to be "an established support of a Protestant ministry." (2) The prelates demanded, not freedom, but privilege; an establishment to be maintained at the common expense of the province. Lord Baltimore resisted; the Roman Catholic was inflexible in his regard for freedom of worship.

The opposition to Lord Baltimore as a feudal sovereign easily united with Protestant bigotry; and when the insurrection was suppressed, by methods of clemency 1681. and forbearance, the government was vehemently accused of favour towards Papists. The opportunity was too favourable to be neglected; the English ministry soon issued an order, that offices of government in Maryland should be intrusted exclusively to Protestants. Roman Catholics were disfranchised in the province which they had planted.

With the colonists, Lord Baltimore was at issue for his hereditary authority, with the English church for his religious faith; attempts to modify the unhappy effects of the Navigation Acts on colonial industry, involved him in

(1) Culpepper, in Chalmers, 357.

(2) Rev. J. Yeo, in Chalmers, 373.

opposition to the commercial policy of England. His rights of jurisdiction had been disregarded; the custom-house officer of Maryland had been placed under the superintendence of the governor of Virginia; and the unwelcome relations, resisted by the officers of Lord Baltimore, had led to quarrels and bloodshed, which were

1685. followed by a controversy with Virginia.(1) The accession of James II. seemed an auspicious event for a Roman Catholic proprietary; but the first result from parliament was an increased burden on the industry of the colony, by means of a new tax on the consumption of its produce in England; while the king, who meditated the subversion of British freedom, resolved, with impartial injustice, to reduce all the colonies to a direct dependence on the crown. The proprietary, hastening to England, vainly pleaded his irreproachable administration. Remonstrance was disregarded, and char-
1687. tered rights despised; and a writ of *quo warranto* was ordered against the patent of Lord Baltimore. But before the legal forms could be brought to an issue, the people of England had sat in judgment on their king.

The approach of the revolution effected no immediate benefit to Lord Baltimore. What though mutinous
1688. speeches and practices against the proprietary government were punishable by whipping, boring the tongue, imprisonment, exile, death itself? The spirit of popular liberty, allied to Protestant bigotry and the clamour of a pretended popish plot, was too powerful an adversary for his colonial government. William Joseph, the president to whom he had intrusted the administration, convened an assembly. The address, on opening it, explains the character of the proprietary, and of the insurrection which followed. "Divine Providence," said the representative of Lord Baltimore, "hath ordered us to meet. The power by which we are assembled here, is undoubtedly derived from God to the king, and from the king to his excellency, the lord proprietary, and from his said lordship to us. The power, therefore, whereof I speak, being, as said, firstly, in God and from God; secondly, in the king and from the king; thirdly, in his lordship; fourthly, in us;—the end and duty of, and for which this assembly is now called and met, is that from these four heads, to wit: from God, the king, our lord, and selves.'

(1) Communicated from Maryland Records.

Having thus established the divine right of the proprietary, he endeavoured to confirm it by invading the privileges of the assembly, and exacting a special oath of fidelity to his dominion. The assembly resisted the attempt, and was prorogued.(1) Is it strange that excitements increased; that they were heightened by tidings of the invasion of England; that they were kindled into a flame by a delay in proclaiming the new sovereign? An organized insurrection was conducted by John Coode, of 1689. old an associate of Fendall; and "The Association in arms, for the defence of the Protestant religion," usurped the government. Can the cause of liberty never be asserted in perfect purity? The revolution was a sign of the advancing spirit of the age; yet Coode was a worthless man. His party was strengthened by the most false and virulent calumnies against the absent proprietary, and the overthrow of liberty of conscience was menaced by the insurrection. But would the reformed English government suffer Papists to be oppressed in the colony where Papists had proclaimed freedom of mind, and set the example of toleration? Would the new dynasty seek to appropriate to itself the power and the rights that had been wrested from Lord Baltimore by turbulent violence? The method pursued by the ministry of William and Mary towards Maryland would test their sincerity, and show whether they were governed by universal principles of justice, or had derived their inspiration for liberty from circumstances and times—whether they had made a revolution in favour of humanity or in behalf of established privileges.

About two years after Virginia had been granted 1675. to Arlington and Culpepper, the latter obtained an appointment as governor of Virginia for life, and was proclaimed soon after Berkeley's departure.(2) The 1677. Ancient Dominion was changed into a proprietary government, and the administration surrendered, as it were, to one of the proprietaries, who, at the same time, was sole possessor of the immense domain between the Rap- pahannock and the Potomac. Culpepper was disposed 1680. to regard his office as a sinecure, but the king chid him for remaining in England; and embarking for Virginia,

(1) McMahon, 235. The chapters of Chalmers on Maryland are the most accurate of them all. Chalmers had resided in Maryland.

(2) Henning, ii. 564.

the governor, early in 1680, arrived in his province.(1) He had no high-minded regard for Virginia; he valued his office and his patents only as property. Clothed by the royal clemency with power to bury past contests, he perverted the duty of humanity into a means of enriching himself, and increasing his authority. Yet Culpepper was not singularly avaricious. His conduct was in harmony with the principles which prevailed in England. As the British merchant claimed the monopoly of colonial commerce, as the British manufacturer valued Virginia only as a market for his goods, so the British courtiers looked to appointments in America as a means of enlarging their own revenues, or providing for their dependants. Nothing but Lord Culpepper's avarice gives him a place in American history. Ignoble as is the claim, it contains a profound moral. Who can doubt that the people collectively exercise the appointing power more wisely than any individual?

Having taken the oath of office at Jamestown, and organized his council of members friendly to prerogative, the wilful followers of Bacon were disfranchised. An assembly was convened in June, and three acts, framed in England and confirmed in advance by the great seal, were proposed for enactment. The first was of indemnity and oblivion—less clement than had been hoped, yet definitive, and therefore welcome. The second withdrew from the assembly the powers it had claimed of welcoming the alien with privileges of citizenship, and declared it a prerogative of the governor. And the third, still more grievous to colonial liberty, constructed after an English precedent, yet so hateful to Virginians, that it encountered severe opposition, and was carried only from hope of pardon for the rebellion, authorized a perpetual export duty of two shillings a hogshead on tobacco, and granted the proceeds as a royal revenue for the support of government, to be accounted for, not to the assembly, but to the king.(2) Thus the power of Virginia over colonial taxation, the only check on the administration, was voted away without condition. The royal revenue was ample and was perpetual. Is it strange that political parties in

(1) Burk, ii. 226. I think by 1679 must be meant 1679-80, or it is an error. Beverley was right in "making Culpepper's stay fall short of a year." His residence was from early in the year to August, 1680.

(2) Hening, ii. 568, 569, 458, &c. 466, &c. Beverley, p. 79.

Virginia showed signs of change?—that many who had been zealous among the Cavaliers, became blended with the mass of the population, and learned to distrust the royal influence?

For his own interests Lord Culpepper was equally careful. The salary of governor of Virginia had been a thousand pounds: for him it was doubled, because he was a peer. A further grant was made for house-rent. Perquisites of every kind were sought for and increased. Nay, the peer was hardly an honest man. He defrauded the soldiers of a part of their wages, by an arbitrary change in the value of current coin. (1) Having made himself familiar with Virginia, and employed the summer profitably, in the month of August he sailed for England from Boston. (2) How unlike Winthrop and Haynes, Clarke and Williams!

Virginia was impoverished; the low price of tobacco left the planter without hope. The assembly had attempted by legislation to call towns into being, and cherish manufactures. With little regard to colonial liberties, it also petitioned the king to prohibit by proclamation the planting of tobacco in the colonies for one year. The first measure could not countervail the Navigation Acts; with regard to the second, riots were substituted for the royal proclamation, and mobs collected to cut up the fields of tobacco-plants. The country was wretched, and therefore restless.

1682. Culpepper returned, to reduce Virginia to quiet, and to promote his own interests as proprietor of the Northern Neck. A few victims on the gallows silenced discontent. The assembly was convened, and its little remaining control over the executive was wrested from it. The council constituted the General Court of Virginia; according to usage, appeals lay from it to the General Assembly. The custom was eminently favourable to the power of the people; it menaced Culpepper with defeat in his attempts to appropriate to himself the cultivated plantations of the Northern Neck. The artful magistrate fomented a dispute between the council and the assembly. The burgesses, in their high court of appeal, claimed to sit alone, excluding the council from whose decision the appeal was made; and Culpepper, having referred the ques-

(1) Beverley, 79, 80.

(2) Hening, ii. 561. Hutchinson's Mass, i. 299.

tion to the king for decision, soon announced that no appeals whatever should be permitted to the assembly,
 1683. nor to the king in council, under the value of one hundred pounds sterling. It shows the spirit of the council of Virginia, that it welcomed the new rule, desiring only that there might be no appeal to the king under the value of two hundred pounds.(1)

The holders of land within the grant of Culpepper now lay at his mercy, and were compelled eventually to negotiate a compromise.

All accounts agree in describing the condition of Virginia, at this time, as one of extreme distress. Culpepper had no compassion for poverty—no sympathy for a province impoverished by perverse legislation—and the residence in Virginia was so irksome, that in a few months he returned to England. The council reported the griefs and restlessness of the country; and they renew the request, that the grant to Culpepper and Arlington may be recalled. The poverty of the province rendered negotiation more easy; the design agreed well with the new colonial policy of Charles II. Arlington surrendered his rights to Culpepper; and, in the following year, the crown was
 1634. able to announce that Virginia was again a royal province.(2)

Nor did Culpepper retain his office as governor. His patent was for life; but, like so many other charters, it was rendered void by a process of law,(3) not so much
 1683. from regard for Virginia liberties, as to recover a prerogative for the crown.

Lord Howard of Effingham was Culpepper's successor. Like so many before and after him, he solicited office in America to get money,(4) and resorted to the usual expedient of exorbitant fees. It is said, he did not scruple to share perquisites with his clerks. The ideas of right and wrong—the same in every breast, if the voice within does but find a willing listener—are yet obscured and perverted by men's interests and habits. In Virginia, the avarice of Effingham was the public scorn; in England, it met with no severe reprobation.

The accession of James II. made but few changes in the political condition of Virginia. The suppression of Mon-

(1) Hening, iii. 550. Beverley, 82, 83.

(2) Ibid. ii. 561, 563, 578, 521, 522. Beverley, 85.

(3) Chalmers, 345.

(4) Chalmers, 347. Beverley, 85.

mouth's rebellion gave to the colony useful citizens.

Men connect themselves, in the eyes of posterity, with
1685. the objects in which they take delight. James II. was inexorable towards his brother's favourite. Monmouth was beheaded, and the triumph of legitimacy* was commemorated by a medal, representing the heads of Monmouth and Argyle on an altar, their bleeding bodies beneath, with this inscription, "*Sic aras et sceptrum tuemur*;"—thus we defend our altars and our throne. "Lord chief justice is making his campaign in the west;"—I quote from a letter which James II., with his own hand, wrote to one in Europe, in allusion to Jeffries' circuit for punishing the insurgents—"he has almost done his campaign. He has already condemned several hundreds—some of whom are already executed, more are to be, and the others sent to the plantations." This is the language of the sovereign of our ancestors. The prisoners condemned to transportation were a salable commodity. Such was the demand for labour in America, that convicts and labourers were regularly purchased and shipped to the colonies, where they were sold as indented servants. The courtiers round James II. exulted in the rich harvest which the rebellion promised, and begged of the monarch frequent gifts of their condemned countrymen. Jeffries heard of the scramble, and indignantly addressed the king, "I beseech your majesty, that I may inform you that each prisoner will be worth ten pound, if not fifteen pound, apiece; and, sir, if your majesty orders these as you have already designed, persons that have not suffered in the service will run away with the booty." At length the spoils were distributed. The convicts were in part persons of family and education, accustomed to elegance and ease. "Take all care," wrote the monarch, under the countersign of Sunderland, to the government in Virginia—"take all care that they continue to serve for ten years at least, and that they be not permitted in any manner to redeem themselves by money or otherwise, until that term be fully expired. Prepare a bill for the assembly of our colony, with such clauses as shall be requisite for this purpose." No Virginia legislature seconded such malice; and in December, 1689, the exiles were pardoned.(1) Tyranny and injustice peopled America with men nurtured in suffering and ad-

(1) Laing's Scotland, iv. 166. Dalrymple, ii. 53. Mackintosh, Hist. of Rev. 1688. Appendix, No. ii. p. 703, Am. ed. Chalmers, 358.

versity. The history of our colonization is the history of the crimes of Europe.

Thus did Jeffries contribute to people the New World: on another occasion, he exerted an opposite influence. Kidnapping had become common in Bristol; and not felons only, but young persons and others, were hurried across the Atlantic and sold for money. At Bristol, the mayor and justices would intimidate small rogues and pilferers, who, under the terror of being hanged, prayed for transportation as the only avenue to safety, and were then divided among the members of the court. The trade was exceedingly profitable—far more so than the slave-trade—and had been conducted for years. By accident, it came to the knowledge of Jeffries, who delighted in a fair opportunity to rant. Finding that the aldermen, justices, and the mayor himself, were concerned in this kidnapping, he turned to the mayor, who was sitting on the bench, bravely arrayed in scarlet and furs, and gave him every ill name which scolding eloquence could devise. Nor would he desist till he made the scarlet chief magistrate of the city go down to the criminal's post at the bar, and plead for himself as a common rogue would have done. The prosecutions depended till the revolution, which made an amnesty; and the judicial kidnappers, retaining their gains, suffered nothing beyond disgrace and terror.(1)

Meantime, Virginia ceased for a season to be the favourite resort of voluntary emigrants. Men were attracted to the New World by the spirit of enterprise and the love of freedom. In Virginia, industry was depressed and the royal authority severe. The presence of a frigate had sharpened the zeal of the royal officers in enforcing the Acts of Navigation. The new tax in England, on the consumption of tobacco, was injurious to the producer.

^{1683.} Culpepper and his council had arraigned a printer for publishing the laws, and ordered him to print nothing till the king's pleasure was known. And Effingham was the bearer of the royal pleasure. The best proof which Charles II. had given of his interest in Virginia, was the express instruction to allow no printing-press on any pretence whatever.(2) The rule was continued under James II. The methods of despotism are monotonous.

To perfect the system, Effingham established a chancery

(1) Life of Lord Keeper Guilford, ii. 25—27.

(2) Hening, ii. 518. Chalmers, 545.

court, in which he himself was chancellor. The councillors might advise, but were without a vote. An arbitrary table of fees followed, of course. This is the period when royal authority was at its height in Virginia. The executive, the council, the judges, the sheriffs, the county commissioners, and local magistrates, were all appointed, directly or indirectly, by the crown. Virginia had no town-meetings—no village democracies—no free municipal institutions. The custom of colonial assemblies remained, but the assembly was chosen under a restricted franchise; its most confidential officer was ordered to^{1686.} be appointed by the governor,(1) and its power over the revenue was lost by the perpetual levy which it could not recall. The indulgence of liberty of conscience, and the enfranchisement of Papists, were in themselves unexceptionable measures; they could bring no detriment to colonial liberties. Yet Protestantism and popular liberty in that day were identified, and toleration itself was suspected, in King James. Is it strange that the colony was agitated by a party favourable to freedom? The year after Bacon's rebellion, when the royal commissioners forcibly seized the records of the assembly, the act had been voted "a violation of privilege," "an outrage never practised by the kings of England," and "never to be offered in future." When the records were again^{1681.} demanded, that this resolution might be expunged, Beverley, the clerk of the house, refused obedience to the lieutenant-governor and council, saying he might not do it without leave of the burgesses, his masters.(2) The same spirit of resistance was manifested by succeeding assemblies. In 1685, the first assembly convened after the accession of James II., questioned a part of his negative power. Former laws had been repealed by the assembly; the king negatived the repeal, which necessarily revived the earlier law. It marks the determined spirit of the colonists, and their rapid tendency towards demanding self-government as a natural right, that the assembly obstinately refused to acknowledge this exercise of prerogative, and brought upon themselves, from King James, a censure of their "unnecessary debates and contests, touching the negative voice;" "the disaffected and unquiet

(1) Hening, iii. 40, 41, 550.

(2) Ibid. iii. 548. Burk, ii. 215, 236, 242, 243.

disposition of the members, and their irregular and tumultuous proceedings." The assembly was dissolved by
 1686. royal proclamation.(1) James Collins was imprisoned and loaded with irons for treasonable expressions. The servile council imitated Effingham and King James; they pledged to the king their lives and fortunes, but the
 1687. people of Virginia were more intractable than ever. The indomitable spirit of personal independence, nourished by the manners of Virginia, could never be repressed. Unlike ancient Rome, Virginia placed the defence of liberty, not in municipal corporations, but in persons. The liberty of the individual was ever highly prized; and freedom sheltered itself in the collected energy of the
 1688. public mind. Such was the character of the new assembly, which was convened some months before the British revolution. The turbulent spirit of the burgesses was greater than ever, and an immediate dissolution of the body seemed to the council the only mode of counteracting their influence. But the awakened spirit of free discussion, banished from the hall of legislation, fled for refuge among the log-houses and plantations that were sprinkled along the streams. The people ran to arms; general discontent threatened an insurrection. The governor, in a new country, without soldiers and without a citadel, was compelled to practise moderation. Tyranny was impossible; it had no powerful instruments.(2) Despotism sought in vain to establish itself in Virginia; when the prerogative of the governor was at its height, he was still too feeble to oppress the colony. Virginia was always "A LAND OF LIBERTY."

Nor let the first tendencies to union pass unnoticed. In the Bay of the Chesapeake, Smith had encountered warriors of the Five Nations; and others had fearlessly roamed to the shores of Massachusetts Bay, and even invaded the soil of Maine. Some years before Philip's war, the
 1667. Mohawks committed ravages near Northampton, on Connecticut River; and the general court of Massachusetts addressed them a letter:—"We never yet did any wrong to you, or any of yours,"—such was the language of the Puritan diplomatists—"neither will we take any from you, but will right our people according to justice." Maryland and Virginia had repeatedly negotiated

(1) Hening, iii. 40, 41.

(2) Burk, ii. 302—306.

with the Senecas. In July, 1684, the governor of Virginia and of New York, and the agent of Massachusetts, met the sachems of the Five Nations at Albany, to strengthen and burnish the covenant-chain, and plant the tree of peace, of which the top should reach the sun, and the branches shelter the wide land. The treaty extended from the St. Croix to Albemarle. New York was the bond of New England and Virginia.(1) The north and the south were united by the conquest of NEW NETHERLANDS.

(1) Colden's Five Nations, 44, &c. Massachusetts Records, 1667.

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